

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 366, Page 4, Section 33.295, Line 15,

2 by inserting immediately after all of said line the following:

3 "67.1020. Nongovernmental agencies congressionally mandated
4 to provide disaster relief services shall be exempt from paying a
5 transient guest tax imposed under this chapter and chapters 66,
6 92, and 94. No such tax shall be imposed on any person where
7 payment is being made by such an agency.

8 144.030. 1. There is hereby specifically exempted from the
9 provisions of sections 144.010 to 144.525 and from the
10 computation of the tax levied, assessed or payable pursuant to
11 sections 144.010 to 144.525 such retail sales as may be made in
12 commerce between this state and any other state of the United
13 States, or between this state and any foreign country, and any
14 retail sale which the state of Missouri is prohibited from taxing
15 pursuant to the Constitution or laws of the United States of
16 America, and such retail sales of tangible personal property
17 which the general assembly of the state of Missouri is prohibited
18 from taxing or further taxing by the constitution of this state.

19 2. There are also specifically exempted from the provisions
20 of the local sales tax law as defined in section 32.085, section
21 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
22 and from the computation of the tax levied, assessed or payable

1 pursuant to the local sales tax law as defined in section 32.085,
2 section 238.235, and sections 144.010 to 144.525 and 144.600 to
3 144.745:

4 (1) Motor fuel or special fuel subject to an excise tax of
5 this state, unless all or part of such excise tax is refunded
6 pursuant to section 142.824; or upon the sale at retail of fuel
7 to be consumed in manufacturing or creating gas, power, steam,
8 electrical current or in furnishing water to be sold ultimately
9 at retail; or feed for livestock or poultry; or grain to be
10 converted into foodstuffs which are to be sold ultimately in
11 processed form at retail; or seed, limestone or fertilizer which
12 is to be used for seeding, liming or fertilizing crops which when
13 harvested will be sold at retail or will be fed to livestock or
14 poultry to be sold ultimately in processed form at retail;
15 economic poisons registered pursuant to the provisions of the
16 Missouri pesticide registration law (sections 281.220 to 281.310)
17 which are to be used in connection with the growth or production
18 of crops, fruit trees or orchards applied before, during, or
19 after planting, the crop of which when harvested will be sold at
20 retail or will be converted into foodstuffs which are to be sold
21 ultimately in processed form at retail;

22 (2) Materials, manufactured goods, machinery and parts
23 which when used in manufacturing, processing, compounding,
24 mining, producing or fabricating become a component part or
25 ingredient of the new personal property resulting from such
26 manufacturing, processing, compounding, mining, producing or
27 fabricating and which new personal property is intended to be
28 sold ultimately for final use or consumption; and materials,
29 including without limitation, gases and manufactured goods,

1 including without limitation slagging materials and firebrick,
2 which are ultimately consumed in the manufacturing process by
3 blending, reacting or interacting with or by becoming, in whole
4 or in part, component parts or ingredients of steel products
5 intended to be sold ultimately for final use or consumption;

6 (3) Materials, replacement parts and equipment purchased
7 for use directly upon, and for the repair and maintenance or
8 manufacture of, motor vehicles, watercraft, railroad rolling
9 stock or aircraft engaged as common carriers of persons or
10 property;

11 (4) Motor vehicles registered in excess of fifty-four
12 thousand pounds, and the trailers pulled by such motor vehicles,
13 that are actually used in the normal course of business to haul
14 property on the public highways of the state, and that are
15 capable of hauling loads commensurate with the motor vehicle's
16 registered weight; and the materials, replacement parts, and
17 equipment purchased for use directly upon, and for the repair and
18 maintenance or manufacture of such vehicles. For purposes of
19 this subdivision "motor vehicle" and "public highway" shall have
20 the meaning as ascribed in section 390.020;

21 (5) Replacement machinery, equipment, and parts and the
22 materials and supplies solely required for the installation or
23 construction of such replacement machinery, equipment, and parts,
24 used directly in manufacturing, mining, fabricating or producing
25 a product which is intended to be sold ultimately for final use
26 or consumption; and machinery and equipment, and the materials
27 and supplies required solely for the operation, installation or
28 construction of such machinery and equipment, purchased and used
29 to establish new, or to replace or expand existing, material

1 recovery processing plants in this state. For the purposes of
2 this subdivision, a "material recovery processing plant" means a
3 facility that has as its primary purpose the recovery of
4 materials into a useable product or a different form which is
5 used in producing a new product and shall include a facility or
6 equipment which are used exclusively for the collection of
7 recovered materials for delivery to a material recovery
8 processing plant but shall not include motor vehicles used on
9 highways. For purposes of this section, the terms motor vehicle
10 and highway shall have the same meaning pursuant to section
11 301.010. Material recovery is not the reuse of materials within
12 a manufacturing process or the use of a product previously
13 recovered. The material recovery processing plant shall qualify
14 under the provisions of this section regardless of ownership of
15 the material being recovered;

16 (6) Machinery and equipment, and parts and the materials
17 and supplies solely required for the installation or construction
18 of such machinery and equipment, purchased and used to establish
19 new or to expand existing manufacturing, mining or fabricating
20 plants in the state if such machinery and equipment is used
21 directly in manufacturing, mining or fabricating a product which
22 is intended to be sold ultimately for final use or consumption;

23 (7) Tangible personal property which is used exclusively in
24 the manufacturing, processing, modification or assembling of
25 products sold to the United States government or to any agency of
26 the United States government;

27 (8) Animals or poultry used for breeding or feeding
28 purposes, or captive wildlife;

29 (9) Newsprint, ink, computers, photosensitive paper and

1 film, toner, printing plates and other machinery, equipment,
2 replacement parts and supplies used in producing newspapers
3 published for dissemination of news to the general public;

4 (10) The rentals of films, records or any type of sound or
5 picture transcriptions for public commercial display;

6 (11) Pumping machinery and equipment used to propel
7 products delivered by pipelines engaged as common carriers;

8 (12) Railroad rolling stock for use in transporting persons
9 or property in interstate commerce and motor vehicles licensed
10 for a gross weight of twenty-four thousand pounds or more or
11 trailers used by common carriers, as defined in section 390.020,
12 in the transportation of persons or property;

13 (13) Electrical energy used in the actual primary
14 manufacture, processing, compounding, mining or producing of a
15 product, or electrical energy used in the actual secondary
16 processing or fabricating of the product, or a material recovery
17 processing plant as defined in subdivision (5) of this
18 subsection, in facilities owned or leased by the taxpayer, if the
19 total cost of electrical energy so used exceeds ten percent of
20 the total cost of production, either primary or secondary,
21 exclusive of the cost of electrical energy so used or if the raw
22 materials used in such processing contain at least twenty-five
23 percent recovered materials as defined in section 260.200. There
24 shall be a rebuttable presumption that the raw materials used in
25 the primary manufacture of automobiles contain at least
26 twenty-five percent recovered materials. For purposes of this
27 subdivision, "processing" means any mode of treatment, act or
28 series of acts performed upon materials to transform and reduce
29 them to a different state or thing, including treatment necessary

1 to maintain or preserve such processing by the producer at the
2 production facility;

3 (14) Anodes which are used or consumed in manufacturing,
4 processing, compounding, mining, producing or fabricating and
5 which have a useful life of less than one year;

6 (15) Machinery, equipment, appliances and devices purchased
7 or leased and used solely for the purpose of preventing, abating
8 or monitoring air pollution, and materials and supplies solely
9 required for the installation, construction or reconstruction of
10 such machinery, equipment, appliances and devices;

11 (16) Machinery, equipment, appliances and devices purchased
12 or leased and used solely for the purpose of preventing, abating
13 or monitoring water pollution, and materials and supplies solely
14 required for the installation, construction or reconstruction of
15 such machinery, equipment, appliances and devices;

16 (17) Tangible personal property purchased by a rural water
17 district;

18 (18) All amounts paid or charged for admission or
19 participation or other fees paid by or other charges to
20 individuals in or for any place of amusement, entertainment or
21 recreation, games or athletic events, including museums, fairs,
22 zoos and planetariums, owned or operated by a municipality or
23 other political subdivision where all the proceeds derived
24 therefrom benefit the municipality or other political subdivision
25 and do not inure to any private person, firm, or corporation;

26 (19) All sales of insulin and prosthetic or orthopedic
27 devices as defined on January 1, 1980, by the federal Medicare
28 program pursuant to Title XVIII of the Social Security Act of
29 1965, including the items specified in Section 1862(a)(12) of

1 that act, and also specifically including hearing aids and
2 hearing aid supplies and all sales of drugs which may be legally
3 dispensed by a licensed pharmacist only upon a lawful
4 prescription of a practitioner licensed to administer those
5 items, including samples and materials used to manufacture
6 samples which may be dispensed by a practitioner authorized to
7 dispense such samples and all sales or rental of medical oxygen,
8 home respiratory equipment and accessories, hospital beds and
9 accessories and ambulatory aids, all sales or rental of manual
10 and powered wheelchairs, stairway lifts, Braille writers,
11 electronic Braille equipment and, if purchased or rented by or on
12 behalf of a person with one or more physical or mental
13 disabilities to enable them to function more independently, all
14 sales or rental of scooters, reading machines, electronic print
15 enlargers and magnifiers, electronic alternative and augmentative
16 communication devices, and items used solely to modify motor
17 vehicles to permit the use of such motor vehicles by individuals
18 with disabilities or sales of over-the-counter or nonprescription
19 drugs to individuals with disabilities, and drugs required by the
20 Food and Drug Administration to meet the over-the-counter drug
21 product labeling requirements in 21 CFR 201.66, or its successor,
22 as prescribed by a health care practitioner licensed to
23 prescribe;

24 (20) All sales made by or to religious and charitable
25 organizations and institutions in their religious, charitable or
26 educational functions and activities and all sales made by or to
27 all elementary and secondary schools operated at public expense
28 in their educational functions and activities;

29 (21) All sales of aircraft to common carriers for storage

1 or for use in interstate commerce and all sales made by or to
2 not-for-profit civic, social, service or fraternal organizations,
3 including fraternal organizations which have been declared
4 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
5 the 1986 Internal Revenue Code, as amended, in their civic or
6 charitable functions and activities and all sales made to
7 eleemosynary and penal institutions and industries of the state,
8 and all sales made to any private not-for-profit institution of
9 higher education not otherwise excluded pursuant to subdivision
10 (20) of this subsection or any institution of higher education
11 supported by public funds, and all sales made to a state relief
12 agency in the exercise of relief functions and activities;

13 (22) All ticket sales made by benevolent, scientific and
14 educational associations which are formed to foster, encourage,
15 and promote progress and improvement in the science of
16 agriculture and in the raising and breeding of animals, and by
17 nonprofit summer theater organizations if such organizations are
18 exempt from federal tax pursuant to the provisions of the
19 Internal Revenue Code and all admission charges and entry fees to
20 the Missouri state fair or any fair conducted by a county
21 agricultural and mechanical society organized and operated
22 pursuant to sections 262.290 to 262.530;

23 (23) All sales made to any private not-for-profit
24 elementary or secondary school, all sales of feed additives,
25 medications or vaccines administered to livestock or poultry in
26 the production of food or fiber, all sales of pesticides used in
27 the production of crops, livestock or poultry for food or fiber,
28 all sales of bedding used in the production of livestock or
29 poultry for food or fiber, all sales of propane or natural gas,

1 electricity or diesel fuel used exclusively for drying
2 agricultural crops, natural gas used in the primary manufacture
3 or processing of fuel ethanol as defined in section 142.028,
4 natural gas, propane, and electricity used by an eligible new
5 generation cooperative or an eligible new generation processing
6 entity as defined in section 348.432, and all sales of farm
7 machinery and equipment, other than airplanes, motor vehicles and
8 trailers, and any freight charges on any exempt item. As used in
9 this subdivision, the term "feed additives" means tangible
10 personal property which, when mixed with feed for livestock or
11 poultry, is to be used in the feeding of livestock or poultry.
12 As used in this subdivision, the term "pesticides" includes
13 adjuvants such as crop oils, surfactants, wetting agents and
14 other assorted pesticide carriers used to improve or enhance the
15 effect of a pesticide and the foam used to mark the application
16 of pesticides and herbicides for the production of crops,
17 livestock or poultry. As used in this subdivision, the term
18 "farm machinery and equipment" means new or used farm tractors
19 and such other new or used farm machinery and equipment and
20 repair or replacement parts thereon and any accessories for and
21 upgrades to such farm machinery and equipment, rotary mowers used
22 exclusively for agricultural purposes, and supplies and
23 lubricants used exclusively, solely, and directly for producing
24 crops, raising and feeding livestock, fish, poultry, pheasants,
25 chukar, quail, or for producing milk for ultimate sale at retail,
26 including field drain tile, and one-half of each purchaser's
27 purchase of diesel fuel therefor which is:

28 (a) Used exclusively for agricultural purposes;

29 (b) Used on land owned or leased for the purpose of

1 producing farm products; and

2 (c) Used directly in producing farm products to be sold
3 ultimately in processed form or otherwise at retail or in
4 producing farm products to be fed to livestock or poultry to be
5 sold ultimately in processed form at retail;

6 (24) Except as otherwise provided in section 144.032, all
7 sales of metered water service, electricity, electrical current,
8 natural, artificial or propane gas, wood, coal or home heating
9 oil for domestic use and in any city not within a county, all
10 sales of metered or unmetered water service for domestic use:

11 (a) "Domestic use" means that portion of metered water
12 service, electricity, electrical current, natural, artificial or
13 propane gas, wood, coal or home heating oil, and in any city not
14 within a county, metered or unmetered water service, which an
15 individual occupant of a residential premises uses for
16 nonbusiness, noncommercial or nonindustrial purposes. Utility
17 service through a single or master meter for residential
18 apartments or condominiums, including service for common areas
19 and facilities and vacant units, shall be deemed to be for
20 domestic use. Each seller shall establish and maintain a system
21 whereby individual purchases are determined as exempt or
22 nonexempt;

23 (b) Regulated utility sellers shall determine whether
24 individual purchases are exempt or nonexempt based upon the
25 seller's utility service rate classifications as contained in
26 tariffs on file with and approved by the Missouri public service
27 commission. Sales and purchases made pursuant to the rate
28 classification "residential" and sales to and purchases made by
29 or on behalf of the occupants of residential apartments or

1 condominiums through a single or master meter, including service
2 for common areas and facilities and vacant units, shall be
3 considered as sales made for domestic use and such sales shall be
4 exempt from sales tax. Sellers shall charge sales tax upon the
5 entire amount of purchases classified as nondomestic use. The
6 seller's utility service rate classification and the provision of
7 service thereunder shall be conclusive as to whether or not the
8 utility must charge sales tax;

9 (c) Each person making domestic use purchases of services
10 or property and who uses any portion of the services or property
11 so purchased for a nondomestic use shall, by the fifteenth day of
12 the fourth month following the year of purchase, and without
13 assessment, notice or demand, file a return and pay sales tax on
14 that portion of nondomestic purchases. Each person making
15 nondomestic purchases of services or property and who uses any
16 portion of the services or property so purchased for domestic
17 use, and each person making domestic purchases on behalf of
18 occupants of residential apartments or condominiums through a
19 single or master meter, including service for common areas and
20 facilities and vacant units, under a nonresidential utility
21 service rate classification may, between the first day of the
22 first month and the fifteenth day of the fourth month following
23 the year of purchase, apply for credit or refund to the director
24 of revenue and the director shall give credit or make refund for
25 taxes paid on the domestic use portion of the purchase. The
26 person making such purchases on behalf of occupants of
27 residential apartments or condominiums shall have standing to
28 apply to the director of revenue for such credit or refund;

29 (25) All sales of handicraft items made by the seller or

1 the seller's spouse if the seller or the seller's spouse is at
2 least sixty-five years of age, and if the total gross proceeds
3 from such sales do not constitute a majority of the annual gross
4 income of the seller;

5 (26) Excise taxes, collected on sales at retail, imposed by
6 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
7 4271 of Title 26, United States Code. The director of revenue
8 shall promulgate rules pursuant to chapter 536 to eliminate all
9 state and local sales taxes on such excise taxes;

10 (27) Sales of fuel consumed or used in the operation of
11 ships, barges, or waterborne vessels which are used primarily in
12 or for the transportation of property or cargo, or the conveyance
13 of persons for hire, on navigable rivers bordering on or located
14 in part in this state, if such fuel is delivered by the seller to
15 the purchaser's barge, ship, or waterborne vessel while it is
16 afloat upon such river;

17 (28) All sales made to an interstate compact agency created
18 pursuant to sections 70.370 to 70.441 or sections 238.010 to
19 238.100 in the exercise of the functions and activities of such
20 agency as provided pursuant to the compact;

21 (29) Computers, computer software and computer security
22 systems purchased for use by architectural or engineering firms
23 headquartered in this state. For the purposes of this
24 subdivision, "headquartered in this state" means the office for
25 the administrative management of at least four integrated
26 facilities operated by the taxpayer is located in the state of
27 Missouri;

28 (30) All livestock sales when either the seller is engaged
29 in the growing, producing or feeding of such livestock, or the

1 seller is engaged in the business of buying and selling,
2 bartering or leasing of such livestock;

3 (31) All sales of barges which are to be used primarily in
4 the transportation of property or cargo on interstate waterways;

5 (32) Electrical energy or gas, whether natural, artificial
6 or propane, water, or other utilities which are ultimately
7 consumed in connection with the manufacturing of cellular glass
8 products or in any material recovery processing plant as defined
9 in subdivision (5) of this subsection;

10 (33) Notwithstanding other provisions of law to the
11 contrary, all sales of pesticides or herbicides used in the
12 production of crops, aquaculture, livestock or poultry;

13 (34) Tangible personal property and utilities purchased for
14 use or consumption directly or exclusively in the research and
15 development of agricultural/biotechnology and plant genomics
16 products and prescription pharmaceuticals consumed by humans or
17 animals;

18 (35) All sales of grain bins for storage of grain for
19 resale;

20 (36) All sales of feed which are developed for and used in
21 the feeding of pets owned by a commercial breeder when such sales
22 are made to a commercial breeder, as defined in section 273.325,
23 and licensed pursuant to sections 273.325 to 273.357;

24 (37) All purchases by a contractor on behalf of an entity
25 located in another state, provided that the entity is authorized
26 to issue a certificate of exemption for purchases to a contractor
27 under the provisions of that state's laws. For purposes of this
28 subdivision, the term "certificate of exemption" shall mean any
29 document evidencing that the entity is exempt from sales and use

1 taxes on purchases pursuant to the laws of the state in which the
2 entity is located. Any contractor making purchases on behalf of
3 such entity shall maintain a copy of the entity's exemption
4 certificate as evidence of the exemption. If the exemption
5 certificate issued by the exempt entity to the contractor is
6 later determined by the director of revenue to be invalid for any
7 reason and the contractor has accepted the certificate in good
8 faith, neither the contractor or the exempt entity shall be
9 liable for the payment of any taxes, interest and penalty due as
10 the result of use of the invalid exemption certificate.

11 Materials shall be exempt from all state and local sales and use
12 taxes when purchased by a contractor for the purpose of
13 fabricating tangible personal property which is used in
14 fulfilling a contract for the purpose of constructing, repairing
15 or remodeling facilities for the following:

16 (a) An exempt entity located in this state, if the entity
17 is one of those entities able to issue project exemption
18 certificates in accordance with the provisions of section
19 144.062; or

20 (b) An exempt entity located outside the state if the
21 exempt entity is authorized to issue an exemption certificate to
22 contractors in accordance with the provisions of that state's law
23 and the applicable provisions of this section;

24 (38) All sales or other transfers of tangible personal
25 property to a lessor who leases the property under a lease of one
26 year or longer executed or in effect at the time of the sale or
27 other transfer to an interstate compact agency created pursuant
28 to sections 70.370 to 70.441 or sections 238.010 to 238.100;

29 (39) Sales of tickets to any collegiate athletic

1 championship event that is held in a facility owned or operated
2 by a governmental authority or commission, a quasi-governmental
3 agency, a state university or college or by the state or any
4 political subdivision thereof, including a municipality, and that
5 is played on a neutral site and may reasonably be played at a
6 site located outside the state of Missouri. For purposes of this
7 subdivision, "neutral site" means any site that is not located on
8 the campus of a conference member institution participating in
9 the event;

10 (40) All purchases by a sports complex authority created
11 under section 64.920, and all sales of utilities by such
12 authority at the authority's cost that are consumed in connection
13 with the operation of a sports complex leased to a professional
14 sports team;

15 (41) Beginning January 1, 2009, but not after January 1,
16 2015, materials, replacement parts, and equipment purchased for
17 use directly upon, and for the modification, replacement, repair,
18 and maintenance of aircraft, aircraft power plants, and aircraft
19 accessories;

20 (42) Sales of sporting clays, wobble, skeet, and trap
21 targets to any shooting range or similar places of business for
22 use in the normal course of business and money received by a
23 shooting range or similar places of business from patrons and
24 held by a shooting range or similar place of business for
25 redistribution to patrons at the conclusion of a shooting event;

26 (43) Sales made to any person where payment is being made
27 by a nongovernmental agency as part of a disaster relief
28 service."; and

29 Further amend the title and enacting clause accordingly.