

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 693

AN ACT

To repeal sections 99.845, 135.700, 143.041, 143.071, 143.191, 143.451, 144.030, 144.044, 144.610, 285.230, 285.232, 285.233, and 285.234, RSMo, and to enact in lieu thereof twenty-two new sections relating to taxation, with existing penalty provisions.

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

1 Section A. Sections 99.845, 135.700, 143.041, 143.071,
2 143.191, 143.451, 144.030, 144.044, 144.610, 285.230, 285.232,
3 285.233, and 285.234, RSMo, are repealed and twenty-two new
4 sections enacted in lieu thereof, to be known as sections 67.585,
5 67.1367, 99.845, 135.700, 137.133, 143.041, 143.071, 143.191,
6 143.451, 144.030, 144.044, 144.610, 144.1030, 190.270, 190.275,
7 190.280, 190.285, 190.286, 285.230, 285.232, 285.233, and
8 285.234, to read as follows:

9 67.585. 1. The governing body of any county of the first
10 classification with more than two hundred thousand but fewer than
11 two hundred sixty thousand inhabitants, through the creation of a
12 recreational and community center district which shall include
13 only the area encompassed by the portion of a school district
14 located within that county having an average daily attendance for
15 the 2012-2013 school year between eleven thousand and twelve

1 thousand students and any public park located wholly or partially
2 within that portion of the school district, upon voter approval
3 as outlined in subsections 2 and 3 of this section, shall impose,
4 by order or ordinance, a sales tax on all retail sales made
5 within the recreational and community center district which are
6 subject to sales tax under chapter 144. The tax authorized in
7 this section shall not exceed one half of one percent and shall
8 be imposed for the purpose of funding the construction,
9 maintenance, and operation of and the purchase of equipment for
10 community centers and other purposes of recreation and wellness
11 as determined by the board which is established in subsection 8
12 of this section. The tax authorized in this section shall be in
13 addition to all other sales taxes imposed by law and shall be
14 stated separately from all other charges and taxes.

15 2. (1) No such order or ordinance adopted under subsection
16 1 of this section shall become effective unless the governing
17 body of the county submits to the voters residing within the
18 recreational and community center district on any date available
19 for elections in the county, a proposal to authorize the
20 governing body of the county to impose a tax under this section;
21 or

22 (2) If the governing body of the county receives a petition
23 signed by at least ten percent of the registered voters of the
24 county within the recreational and community center district who
25 voted in the last gubernatorial election calling for an election
26 to impose a tax under this section, the governing body shall
27 submit to the voters of the county within the recreational and
28 community center district on any date available for elections in

1 the county, a proposal to authorize the governing body of the
2 county to impose a tax under this section; or

3 (3) If the governing body of a special charter city with
4 more than twenty-nine thousand but fewer than thirty-two thousand
5 inhabitants, and a governing body of a home rule city with more
6 than four hundred thousand inhabitants and located in more than
7 one county, jointly request, the governing body of the county
8 shall submit to the voters of the county within the recreational
9 and community center district on any date available for elections
10 in the county, a proposal to authorize the governing body of the
11 county to impose a tax under this section.

12
13 All costs associated with placing such a question to the voters
14 within the recreational and community center district shall be
15 borne by the cities referenced in subdivision (3) of subsection 2
16 of this section. If such tax is authorized by the voters of the
17 recreational and community center district, the cost may be
18 reimbursed to such cities upon implementation of the tax.

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

21 Shall the county of (county's name) impose a sales
22 tax of (insert amount) within the boundaries of the
23 (insert name) school district for the purpose of funding the
24 construction, repair, improvement, maintenance, and operation of
25 and purchase of equipment for community centers and other
26 recreational facilities and programs?

27
28 If a majority of the votes cast on the question by the qualified

1 voters voting thereon are in favor of the question, then the tax
2 shall become effective on the first day of the second calendar
3 quarter. If a majority of the votes cast on the question by the
4 qualified voters voting thereon are opposed to the question, then
5 the tax shall not become effective unless and until the question
6 is resubmitted under this section to the qualified voters and
7 such question is approved by the requisite majority of the
8 qualified voters voting on the question. In no event shall a
9 proposal under this section be submitted to the voters sooner
10 than twelve months from the date of the last proposal under this
11 section.

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

15 5. All revenue collected under this section by the director
16 of the department of revenue on behalf of any county, except for
17 one percent for the cost of collection which shall be deposited
18 in the state's general revenue fund after payment of premiums for
19 surety bonds as provided in section 32.087, shall be deposited in
20 a special trust fund, which is hereby created and shall be known
21 as the "Recreational and Community Center District Sales Tax
22 Trust Fund", and shall be used solely for the designated
23 purposes. Moneys in the fund shall not be deemed to be state
24 funds and shall not be commingled with any funds of the state.
25 The director may make refunds from the amounts in the fund and
26 credited to the county for erroneous payments and overpayments
27 made and may redeem dishonored checks and drafts deposited to the
28 credit of such county.

1 6. A question of repeal of the sales tax authorized in this
2 section shall be submitted to the voters on any date available
3 for elections in the county, of the recreational and community
4 center district by the governing body of any county that has
5 adopted the sales tax authorized in this section if:

6 (1) The board authorized in subsection 8 of this section
7 requests such; or

8 (2) A petition signed by a number of registered voters of
9 the county within the recreational and community center district
10 equal to at least ten percent of the number of registered voters
11 of the county within the recreational and community center
12 district voting in the last gubernatorial election is received
13 requesting such.

14
15 If a majority of the votes cast on the question by the qualified
16 voters voting thereon are in favor of the repeal, that repeal
17 shall become effective on December thirty-first of the calendar
18 year in which such repeal was approved. If less than a majority
19 of the votes cast on the question by the qualified voters voting
20 thereon are in favor of the repeal, then the sales tax authorized
21 in this section shall remain effective until the question is
22 resubmitted under this section to the qualified voters. In no
23 event shall a proposal under this section be submitted to the
24 voters sooner than twelve months from the date of the last
25 proposal under this section. No tax imposed pursuant to this
26 section for the purpose of retiring bonds, as authorized in
27 subsection 8 in this section, may be terminated until all such
28 bonds have been retired.

1 7. If the tax is repealed or terminated by any means, all
2 funds remaining in the special trust fund shall continue to be
3 used solely for the designated purposes, and the county shall
4 notify the director of the department of revenue of the action at
5 least ninety days before the effective date of the repeal, and
6 the director may order retention in the trust fund, for a period
7 of one year, of two percent of the amount collected after receipt
8 of such notice to cover possible refunds or overpayment of the
9 tax and to redeem dishonored checks and drafts deposited to the
10 credit of such accounts. After one year has elapsed after the
11 effective date of abolition of the tax in such county, the
12 director shall remit the balance in the account to the county and
13 close the account of that county. The director shall notify each
14 county of each instance of any amount refunded or any check
15 redeemed from receipts due to the county.

16 8. A board shall be established to administer the powers
17 and duties as provided in this section. The board may issue debt
18 for the district as authorized under section 67.798. All board
19 members shall be residents of the recreational and community
20 center district. The board shall consist of eight members as
21 follows:

22 (1) Four members appointed by the mayor of a home rule city
23 with more than four hundred thousand inhabitants and located in
24 more than one county, with two of the first members appointed for
25 a two-year term and the other two members appointed for a
26 four-year term. Thereafter, each appointment shall be for a
27 four-year term;

28 (2) Four members appointed by the mayor of a special

1 charter city with more than twenty-nine thousand but fewer than
2 thirty-two thousand inhabitants, with two of the first members
3 appointed for a two-year term and the other two members appointed
4 for a four-year term. Thereafter, each appointment shall be for a
5 four-year term.

6
7 A board member may be removed by the mayor who appointed him or
8 her, at any time during his or her term, for reasons of excessive
9 absence at regularly scheduled board meetings. The mayor shall
10 appoint a replacement member to serve for the remainder of the
11 current term. No member may serve more than two full terms. A
12 partial term shall not be considered a term.

13 67.1367. 1. The governing body of any county of the third
14 classification without a township form of government and with
15 more than eighteen thousand but fewer than twenty thousand
16 inhabitants and with a city of the fourth classification with
17 more than eight thousand but fewer than nine thousand inhabitants
18 as the county seat may impose a tax on the charges for all
19 sleeping rooms paid by the transient guests of hotels or motels
20 situated in the county or a portion thereof, which shall be no
21 more than six percent per occupied room per night, except that
22 such tax shall not become effective unless the governing body of
23 the county submits to the voters of the county at a state general
24 or primary election, a proposal to authorize the governing body
25 of the county to impose a tax pursuant to this section. The tax
26 authorized by this section shall be in addition to the charge for
27 the sleeping room and shall be in addition to any and all taxes
28 imposed by law and the proceeds of such tax shall be used by the

1 county solely for the promotion of tourism. Such tax shall be
2 stated separately from all other charges and taxes.

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

5 Shall (insert the name of the county) impose a tax on the
6 charges for all sleeping rooms paid by the transient guests of
7 hotels and motels situated in (name of county) at a rate of
8 (insert rate of percent) percent for the sole purpose of
9 promoting tourism?

10 YES

NO

11 3. As used in this section, "transient guests" means a
12 person or persons who occupy a room or rooms in a hotel or motel
13 for thirty-one days or less during any calendar quarter.

14 99.845. 1. A municipality, either at the time a
15 redevelopment project is approved or, in the event a municipality
16 has undertaken acts establishing a redevelopment plan and
17 redevelopment project and has designated a redevelopment area
18 after the passage and approval of sections 99.800 to 99.865 but
19 prior to August 13, 1982, which acts are in conformance with the
20 procedures of sections 99.800 to 99.865, may adopt tax increment
21 allocation financing by passing an ordinance providing that after
22 the total equalized assessed valuation of the taxable real
23 property in a redevelopment project exceeds the certified total
24 initial equalized assessed valuation of the taxable real property
25 in the redevelopment project, the ad valorem taxes, and payments
26 in lieu of taxes, if any, arising from the levies upon taxable
27 real property in such redevelopment project by taxing districts
28 and tax rates determined in the manner provided in subsection 2

1 of section 99.855 each year after the effective date of the
2 ordinance until redevelopment costs have been paid shall be
3 divided as follows:

4 (1) That portion of taxes, penalties and interest levied
5 upon each taxable lot, block, tract, or parcel of real property
6 which is attributable to the initial equalized assessed value of
7 each such taxable lot, block, tract, or parcel of real property
8 in the area selected for the redevelopment project shall be
9 allocated to and, when collected, shall be paid by the county
10 collector to the respective affected taxing districts in the
11 manner required by law in the absence of the adoption of tax
12 increment allocation financing;

13 (2) (a) Payments in lieu of taxes attributable to the
14 increase in the current equalized assessed valuation of each
15 taxable lot, block, tract, or parcel of real property in the area
16 selected for the redevelopment project and any applicable penalty
17 and interest over and above the initial equalized assessed value
18 of each such unit of property in the area selected for the
19 redevelopment project shall be allocated to and, when collected,
20 shall be paid to the municipal treasurer who shall deposit such
21 payment in lieu of taxes into a special fund called the "Special
22 Allocation Fund" of the municipality for the purpose of paying
23 redevelopment costs and obligations incurred in the payment
24 thereof. Beginning August 28, 2014, if the voters in a taxing
25 district vote to approve an increase in such taxing district's
26 levy rate for ad valorem tax on real property, any additional
27 revenues generated within an existing redevelopment project area
28 that are directly attributable to the newly voter-approved

1 incremental increase in such taxing district's levy rate shall
2 not be considered payments in lieu of taxes subject to deposit
3 into a special allocation fund without the consent of such taxing
4 district. Revenues will be considered directly attributable to a
5 newly voter-approved incremental increase to the extent that they
6 are generated from the difference between the taxing district's
7 actual levy rate currently imposed and the maximum voter-approved
8 levy rate at the time that the redevelopment project was adopted.

9 Payments in lieu of taxes which are due and owing shall
10 constitute a lien against the real estate of the redevelopment
11 project from which they are derived and shall be collected in the
12 same manner as the real property tax, including the assessment of
13 penalties and interest where applicable. The municipality may,
14 in the ordinance, pledge the funds in the special allocation fund
15 for the payment of such costs and obligations and provide for the
16 collection of payments in lieu of taxes, the lien of which may be
17 foreclosed in the same manner as a special assessment lien as
18 provided in section 88.861. No part of the current equalized
19 assessed valuation of each lot, block, tract, or parcel of
20 property in the area selected for the redevelopment project
21 attributable to any increase above the total initial equalized
22 assessed value of such properties shall be used in calculating
23 the general state school aid formula provided for in section
24 163.031 until such time as all redevelopment costs have been paid
25 as provided for in this section and section 99.850;

26 (b) Notwithstanding any provisions of this section to the
27 contrary, for purposes of determining the limitation on
28 indebtedness of local government pursuant to Article VI, Section

1 26(b) of the Missouri Constitution, the current equalized
2 assessed value of the property in an area selected for
3 redevelopment attributable to the increase above the total
4 initial equalized assessed valuation shall be included in the
5 value of taxable tangible property as shown on the last completed
6 assessment for state or county purposes;

7 (c) The county assessor shall include the current assessed
8 value of all property within the taxing district in the aggregate
9 valuation of assessed property entered upon the assessor's book
10 and verified pursuant to section 137.245, and such value shall be
11 utilized for the purpose of the debt limitation on local
12 government pursuant to Article VI, Section 26(b) of the Missouri
13 Constitution;

14 (3) For purposes of this section, "levies upon taxable real
15 property in such redevelopment project by taxing districts" shall
16 not include the blind pension fund tax levied under the authority
17 of Article III, Section 38(b) of the Missouri Constitution, or
18 the merchants' and manufacturers' inventory replacement tax
19 levied under the authority of subsection 2 of Section 6 of
20 Article X of the Missouri Constitution, except in redevelopment
21 project areas in which tax increment financing has been adopted
22 by ordinance pursuant to a plan approved by vote of the governing
23 body of the municipality taken after August 13, 1982, and before
24 January 1, 1998.

25 2. In addition to the payments in lieu of taxes described
26 in subdivision (2) of subsection 1 of this section, for
27 redevelopment plans and projects adopted or redevelopment
28 projects approved by ordinance after July 12, 1990, and prior to

1 August 31, 1991, fifty percent of the total additional revenue
2 from taxes, penalties and interest imposed by the municipality,
3 or other taxing districts, which are generated by economic
4 activities within the area of the redevelopment project over the
5 amount of such taxes generated by economic activities within the
6 area of the redevelopment project in the calendar year prior to
7 the adoption of the redevelopment project by ordinance, while tax
8 increment financing remains in effect, but excluding taxes
9 imposed on sales or charges for sleeping rooms paid by transient
10 guests of hotels and motels, taxes levied pursuant to section
11 70.500, licenses, fees or special assessments other than payments
12 in lieu of taxes and any penalty and interest thereon, or,
13 effective January 1, 1998, taxes levied pursuant to section
14 94.660, for the purpose of public transportation, shall be
15 allocated to, and paid by the local political subdivision
16 collecting officer to the treasurer or other designated financial
17 officer of the municipality, who shall deposit such funds in a
18 separate segregated account within the special allocation fund.
19 Any provision of an agreement, contract or covenant entered into
20 prior to July 12, 1990, between a municipality and any other
21 political subdivision which provides for an appropriation of
22 other municipal revenues to the special allocation fund shall be
23 and remain enforceable.

24 3. In addition to the payments in lieu of taxes described
25 in subdivision (2) of subsection 1 of this section, for
26 redevelopment plans and projects adopted or redevelopment
27 projects approved by ordinance after August 31, 1991, fifty
28 percent of the total additional revenue from taxes, penalties and

1 interest which are imposed by the municipality or other taxing
2 districts, and which are generated by economic activities within
3 the area of the redevelopment project over the amount of such
4 taxes generated by economic activities within the area of the
5 redevelopment project in the calendar year prior to the adoption
6 of the redevelopment project by ordinance, while tax increment
7 financing remains in effect, but excluding personal property
8 taxes, taxes imposed on sales or charges for sleeping rooms paid
9 by transient guests of hotels and motels, taxes levied pursuant
10 to section 70.500, taxes levied for the purpose of public
11 transportation pursuant to section 94.660, taxes imposed on sales
12 pursuant to subsection 2 of section 67.1712 for the purpose of
13 operating and maintaining a metropolitan park and recreation
14 district, licenses, fees or special assessments other than
15 payments in lieu of taxes and penalties and interest thereon, any
16 sales tax imposed by a county with a charter form of government
17 and with more than six hundred thousand but fewer than seven
18 hundred thousand inhabitants, for the purpose of sports stadium
19 improvement or levied by such county under section 238.410 for
20 the purpose of the county transit authority operating
21 transportation facilities, or for redevelopment plans and
22 projects adopted or redevelopment projects approved by ordinance
23 after August 28, 2013, taxes imposed on sales under and pursuant
24 to section 67.700 or 650.399 for the purpose of emergency
25 communication systems, shall be allocated to, and paid by the
26 local political subdivision collecting officer to the treasurer
27 or other designated financial officer of the municipality, who
28 shall deposit such funds in a separate segregated account within

1 the special allocation fund. Beginning August 28, 2014, if the
2 voters in a taxing district vote to approve an increase in such
3 taxing district's sales tax or use tax, other than the renewal of
4 an expiring sales or use tax, any additional revenues generated
5 within an existing redevelopment project area that are directly
6 attributable to the newly voter-approved incremental increase in
7 such taxing district's levy rate shall not be considered economic
8 activity taxes subject to deposit into a special allocation fund
9 without the consent of such taxing district.

10 4. Beginning January 1, 1998, for redevelopment plans and
11 projects adopted or redevelopment projects approved by ordinance
12 and which have complied with subsections 4 to 12 of this section,
13 in addition to the payments in lieu of taxes and economic
14 activity taxes described in subsections 1, 2 and 3 of this
15 section, up to fifty percent of the new state revenues, as
16 defined in subsection 8 of this section, estimated for the
17 businesses within the project area and identified by the
18 municipality in the application required by subsection 10 of this
19 section, over and above the amount of such taxes reported by
20 businesses within the project area as identified by the
21 municipality in their application prior to the approval of the
22 redevelopment project by ordinance, while tax increment financing
23 remains in effect, may be available for appropriation by the
24 general assembly as provided in subsection 10 of this section to
25 the department of economic development supplemental tax increment
26 financing fund, from the general revenue fund, for distribution
27 to the treasurer or other designated financial officer of the
28 municipality with approved plans or projects.

1 5. The treasurer or other designated financial officer of
2 the municipality with approved plans or projects shall deposit
3 such funds in a separate segregated account within the special
4 allocation fund established pursuant to section 99.805.

5 6. No transfer from the general revenue fund to the
6 Missouri supplemental tax increment financing fund shall be made
7 unless an appropriation is made from the general revenue fund for
8 that purpose. No municipality shall commit any state revenues
9 prior to an appropriation being made for that project. For all
10 redevelopment plans or projects adopted or approved after
11 December 23, 1997, appropriations from the new state revenues
12 shall not be distributed from the Missouri supplemental tax
13 increment financing fund into the special allocation fund unless
14 the municipality's redevelopment plan ensures that one hundred
15 percent of payments in lieu of taxes and fifty percent of
16 economic activity taxes generated by the project shall be used
17 for eligible redevelopment project costs while tax increment
18 financing remains in effect. This account shall be separate from
19 the account into which payments in lieu of taxes are deposited,
20 and separate from the account into which economic activity taxes
21 are deposited.

22 7. In order for the redevelopment plan or project to be
23 eligible to receive the revenue described in subsection 4 of this
24 section, the municipality shall comply with the requirements of
25 subsection 10 of this section prior to the time the project or
26 plan is adopted or approved by ordinance. The director of the
27 department of economic development and the commissioner of the
28 office of administration may waive the requirement that the

1 municipality's application be submitted prior to the
2 redevelopment plan's or project's adoption or the redevelopment
3 plan's or project's approval by ordinance.

4 8. For purposes of this section, "new state revenues"
5 means:

6 (1) The incremental increase in the general revenue portion
7 of state sales tax revenues received pursuant to section 144.020,
8 excluding sales taxes that are constitutionally dedicated, taxes
9 deposited to the school district trust fund in accordance with
10 section 144.701, sales and use taxes on motor vehicles, trailers,
11 boats and outboard motors and future sales taxes earmarked by
12 law. In no event shall the incremental increase include any
13 amounts attributable to retail sales unless the municipality or
14 authority has proven to the Missouri development finance board
15 and the department of economic development and such entities have
16 made a finding that the sales tax increment attributable to
17 retail sales is from new sources which did not exist in the state
18 during the baseline year. The incremental increase in the
19 general revenue portion of state sales tax revenues for an
20 existing or relocated facility shall be the amount that current
21 state sales tax revenue exceeds the state sales tax revenue in
22 the base year as stated in the redevelopment plan as provided in
23 subsection 10 of this section; or

24 (2) The state income tax withheld on behalf of new
25 employees by the employer pursuant to section 143.221 at the
26 business located within the project as identified by the
27 municipality. The state income tax withholding allowed by this
28 section shall be the municipality's estimate of the amount of

1 state income tax withheld by the employer within the
2 redevelopment area for new employees who fill new jobs directly
3 created by the tax increment financing project.

4 9. Subsection 4 of this section shall apply only to
5 blighted areas located in enterprise zones, pursuant to sections
6 135.200 to 135.256, blighted areas located in federal empowerment
7 zones, or to blighted areas located in central business districts
8 or urban core areas of cities which districts or urban core areas
9 at the time of approval of the project by ordinance, provided
10 that the enterprise zones, federal empowerment zones or blighted
11 areas contained one or more buildings at least fifty years old;
12 and

13 (1) Suffered from generally declining population or
14 property taxes over the twenty-year period immediately preceding
15 the area's designation as a project area by ordinance; or

16 (2) Was a historic hotel located in a county of the first
17 classification without a charter form of government with a
18 population according to the most recent federal decennial census
19 in excess of one hundred fifty thousand and containing a portion
20 of a city with a population according to the most recent federal
21 decennial census in excess of three hundred fifty thousand.

22 10. The initial appropriation of up to fifty percent of the
23 new state revenues authorized pursuant to subsections 4 and 5 of
24 this section shall not be made to or distributed by the
25 department of economic development to a municipality until all of
26 the following conditions have been satisfied:

27 (1) The director of the department of economic development
28 or his or her designee and the commissioner of the office of

1 administration or his or her designee have approved a tax
2 increment financing application made by the municipality for the
3 appropriation of the new state revenues. The municipality shall
4 include in the application the following items in addition to the
5 items in section 99.810:

6 (a) The tax increment financing district or redevelopment
7 area, including the businesses identified within the
8 redevelopment area;

9 (b) The base year of state sales tax revenues or the base
10 year of state income tax withheld on behalf of existing
11 employees, reported by existing businesses within the project
12 area prior to approval of the redevelopment project;

13 (c) The estimate of the incremental increase in the general
14 revenue portion of state sales tax revenue or the estimate for
15 the state income tax withheld by the employer on behalf of new
16 employees expected to fill new jobs created within the
17 redevelopment area after redevelopment;

18 (d) The official statement of any bond issue pursuant to
19 this subsection after December 23, 1997;

20 (e) An affidavit that is signed by the developer or
21 developers attesting that the provisions of subdivision (1) of
22 subsection 1 of section 99.810 have been met and specifying that
23 the redevelopment area would not be reasonably anticipated to be
24 developed without the appropriation of the new state revenues;

25 (f) The cost-benefit analysis required by section 99.810
26 includes a study of the fiscal impact on the state of Missouri;
27 and

28 (g) The statement of election between the use of the

1 incremental increase of the general revenue portion of the state
2 sales tax revenues or the state income tax withheld by employers
3 on behalf of new employees who fill new jobs created in the
4 redevelopment area;

5 (h) The name, street and mailing address, and phone number
6 of the mayor or chief executive officer of the municipality;

7 (i) The street address of the development site;

8 (j) The three-digit North American Industry Classification
9 System number or numbers characterizing the development project;

10 (k) The estimated development project costs;

11 (l) The anticipated sources of funds to pay such
12 development project costs;

13 (m) Evidence of the commitments to finance such development
14 project costs;

15 (n) The anticipated type and term of the sources of funds
16 to pay such development project costs;

17 (o) The anticipated type and terms of the obligations to be
18 issued;

19 (p) The most recent equalized assessed valuation of the
20 property within the development project area;

21 (q) An estimate as to the equalized assessed valuation
22 after the development project area is developed in accordance
23 with a development plan;

24 (r) The general land uses to apply in the development area;

25 (s) The total number of individuals employed in the
26 development area, broken down by full-time, part-time, and
27 temporary positions;

28 (t) The total number of full-time equivalent positions in

1 the development area;

2 (u) The current gross wages, state income tax withholdings,
3 and federal income tax withholdings for individuals employed in
4 the development area;

5 (v) The total number of individuals employed in this state
6 by the corporate parent of any business benefitting from public
7 expenditures in the development area, and all subsidiaries
8 thereof, as of December thirty-first of the prior fiscal year,
9 broken down by full-time, part-time, and temporary positions;

10 (w) The number of new jobs to be created by any business
11 benefitting from public expenditures in the development area,
12 broken down by full-time, part-time, and temporary positions;

13 (x) The average hourly wage to be paid to all current and
14 new employees at the project site, broken down by full-time,
15 part-time, and temporary positions;

16 (y) For project sites located in a metropolitan statistical
17 area, as defined by the federal Office of Management and Budget,
18 the average hourly wage paid to nonmanagerial employees in this
19 state for the industries involved at the project, as established
20 by the United States Bureau of Labor Statistics;

21 (z) For project sites located outside of metropolitan
22 statistical areas, the average weekly wage paid to nonmanagerial
23 employees in the county for industries involved at the project,
24 as established by the United States Department of Commerce;

25 (aa) A list of other community and economic benefits to
26 result from the project;

27 (bb) A list of all development subsidies that any business
28 benefitting from public expenditures in the development area has

1 previously received for the project, and the name of any other
2 granting body from which such subsidies are sought;

3 (cc) A list of all other public investments made or to be
4 made by this state or units of local government to support
5 infrastructure or other needs generated by the project for which
6 the funding pursuant to this section is being sought;

7 (dd) A statement as to whether the development project may
8 reduce employment at any other site, within or without the state,
9 resulting from automation, merger, acquisition, corporate
10 restructuring, relocation, or other business activity;

11 (ee) A statement as to whether or not the project involves
12 the relocation of work from another address and if so, the number
13 of jobs to be relocated and the address from which they are to be
14 relocated;

15 (ff) A list of competing businesses in the county
16 containing the development area and in each contiguous county;

17 (gg) A market study for the development area;

18 (hh) A certification by the chief officer of the applicant
19 as to the accuracy of the development plan;

20 (2) The methodologies used in the application for
21 determining the base year and determining the estimate of the
22 incremental increase in the general revenue portion of the state
23 sales tax revenues or the state income tax withheld by employers
24 on behalf of new employees who fill new jobs created in the
25 redevelopment area shall be approved by the director of the
26 department of economic development or his or her designee and the
27 commissioner of the office of administration or his or her
28 designee. Upon approval of the application, the director of the

1 department of economic development or his or her designee and the
2 commissioner of the office of administration or his or her
3 designee shall issue a certificate of approval. The department
4 of economic development may request the appropriation following
5 application approval;

6 (3) The appropriation shall be either a portion of the
7 estimate of the incremental increase in the general revenue
8 portion of state sales tax revenues in the redevelopment area or
9 a portion of the estimate of the state income tax withheld by the
10 employer on behalf of new employees who fill new jobs created in
11 the redevelopment area as indicated in the municipality's
12 application, approved by the director of the department of
13 economic development or his or her designee and the commissioner
14 of the office of administration or his or her designee. At no
15 time shall the annual amount of the new state revenues approved
16 for disbursements from the Missouri supplemental tax increment
17 financing fund exceed thirty-two million dollars;

18 (4) Redevelopment plans and projects receiving new state
19 revenues shall have a duration of up to fifteen years, unless
20 prior approval for a longer term is given by the director of the
21 department of economic development or his or her designee and the
22 commissioner of the office of administration or his or her
23 designee; except that, in no case shall the duration exceed
24 twenty-three years.

25 11. In addition to the areas authorized in subsection 9 of
26 this section, the funding authorized pursuant to subsection 4 of
27 this section shall also be available in a federally approved
28 levee district, where construction of a levee begins after

1 December 23, 1997, and which is contained within a county of the
2 first classification without a charter form of government with a
3 population between fifty thousand and one hundred thousand
4 inhabitants which contains all or part of a city with a
5 population in excess of four hundred thousand or more
6 inhabitants.

7 12. There is hereby established within the state treasury a
8 special fund to be known as the "Missouri Supplemental Tax
9 Increment Financing Fund", to be administered by the department
10 of economic development. The department shall annually
11 distribute from the Missouri supplemental tax increment financing
12 fund the amount of the new state revenues as appropriated as
13 provided in the provisions of subsections 4 and 5 of this section
14 if and only if the conditions of subsection 10 of this section
15 are met. The fund shall also consist of any gifts,
16 contributions, grants or bequests received from federal, private
17 or other sources. Moneys in the Missouri supplemental tax
18 increment financing fund shall be disbursed per project pursuant
19 to state appropriations.

20 13. Redevelopment project costs may include, at the
21 prerogative of the state, the portion of salaries and expenses of
22 the department of economic development and the department of
23 revenue reasonably allocable to each redevelopment project
24 approved for disbursements from the Missouri supplemental tax
25 increment financing fund for the ongoing administrative functions
26 associated with such redevelopment project. Such amounts shall
27 be recovered from new state revenues deposited into the Missouri
28 supplemental tax increment financing fund created under this

1 section.

2 14. For redevelopment plans or projects approved by
3 ordinance that result in net new jobs from the relocation of a
4 national headquarters from another state to the area of the
5 redevelopment project, the economic activity taxes and new state
6 tax revenues shall not be based on a calculation of the
7 incremental increase in taxes as compared to the base year or
8 prior calendar year for such redevelopment project, rather the
9 incremental increase shall be the amount of total taxes generated
10 from the net new jobs brought in by the national headquarters
11 from another state. In no event shall this subsection be
12 construed to allow a redevelopment project to receive an
13 appropriation in excess of up to fifty percent of the new state
14 revenues.

15 135.700. 1. For all tax years beginning on or after
16 January 1, 1999, a grape grower or wine producer shall be allowed
17 a tax credit against the state tax liability incurred pursuant to
18 chapter 143, exclusive of the provisions relating to the
19 withholding of tax as provided in sections 143.191 to 143.265, in
20 an amount equal to twenty-five percent of the purchase price of
21 all new and used equipment and materials used directly in the
22 growing of grapes or the production of wine in the state. Each
23 grower or producer shall apply to the department of economic
24 development and specify the total amount of such new equipment
25 and materials purchased during the calendar year. The department
26 of economic development shall certify to the department of
27 revenue the amount of such tax credit to which a grape grower or
28 wine producer is entitled pursuant to this section. The

1 provisions of this section notwithstanding, a grower or producer
2 may only apply for and receive the credit authorized by this
3 section for five tax periods.

4 2. For the taxable years beginning on or after August 28,
5 2014, the total amount of tax credits allowed under subsection 1
6 of this section shall not exceed two hundred thousand dollars
7 annually.

8 137.133. In any county with a charter form of government
9 and with more than nine hundred fifty thousand inhabitants, any
10 correspondence by the assessor with a taxpayer requesting
11 information from the taxpayer shall include the following
12 statement in bold, fourteen point font: "Disclosure of
13 information requested on this document is voluntary and not
14 required by law. Any information disclosed may become public
15 record.". The provisions of this section shall not apply to
16 requests for information required to be disclosed under sections
17 137.092 and 137.155.

18 143.041. 1. A tax is hereby imposed for every taxable year
19 on the income of every nonresident individual which is derived
20 from sources within this state. The tax shall be that amount
21 which bears the same ratio to the tax applicable to the
22 individual if he would have been a resident as (A) his Missouri
23 nonresident adjusted gross income as determined under section
24 143.181 (Missouri adjusted gross income derived from sources
25 within this state) bears to (B) his Missouri adjusted gross
26 income derived from all sources.

27 2. The provisions of this section shall not apply to out-
28 of-state businesses or out-of-state employees operating under

1 sections 190.270 to 190.285.

2 143.071. 1. For all tax years beginning before September
3 1, 1993, a tax is hereby imposed upon the Missouri taxable income
4 of corporations in an amount equal to five percent of Missouri
5 taxable income.

6 2. For all tax years beginning on or after September 1,
7 1993, a tax is hereby imposed upon the Missouri taxable income of
8 corporations in an amount equal to six and one-fourth percent of
9 Missouri taxable income.

10 3. The provisions of this section shall not apply to out-
11 of-state businesses operating under sections 190.270 to 190.285.

12 143.191. 1. Every employer maintaining an office or
13 transacting any business within this state and making payment of
14 any wages taxable under sections 143.011 to 143.998 to a resident
15 or nonresident individual shall deduct and withhold from such
16 wages for each payroll period the amount provided in subsection 3
17 of this section.

18 2. The term "wages" referred to in subsection 1 of this
19 section means wages as defined by section 3401(a) of the Internal
20 Revenue Code of 1986, as amended. The term "employer" means any
21 person, firm, corporation, association, fiduciary of any kind, or
22 other type of organization for whom an individual performs
23 service as an employee, except that if the person or organization
24 for whom the individual performs service does not have control of
25 the payment of compensation for such service, the term "employer"
26 means the person having control of the payment of the
27 compensation. The term includes the United States, this state,
28 other states, and all agencies, instrumentalities, and

1 subdivisions of any of them.

2 3. The method of determining the amount to be withheld
3 shall be prescribed by regulations of the director of revenue.
4 The prescribed table, percentages, or other method shall result,
5 so far as practicable, in withholding from the employee's wages
6 during each calendar year an amount substantially equivalent to
7 the tax reasonably estimated to be due from the employee under
8 sections 143.011 to 143.998 with respect to the amount of such
9 wages included in his Missouri adjusted gross income during the
10 calendar year.

11 4. For purposes of this section an employee shall be
12 entitled to the same number of personal and dependency
13 withholding exemptions as the number of exemptions to which he is
14 entitled for federal income tax withholding purposes. An
15 employer may rely upon the number of federal withholding
16 exemptions claimed by the employee, except where the employee
17 provides the employer with a form claiming a different number of
18 withholding exemptions in this state.

19 5. The director of revenue may enter into agreements with
20 the tax departments of other states (which require income tax to
21 be withheld from the payment of wages) so as to govern the
22 amounts to be withheld from the wages of residents of such states
23 under this section. Such agreements may provide for recognition
24 of anticipated tax credits in determining the amounts to be
25 withheld and, under regulations prescribed by the director of
26 revenue, may relieve employers in this state from withholding
27 income tax on wages paid to nonresident employees. The
28 agreements authorized by this subsection are subject to the

1 condition that the tax department of such other states grant
2 similar treatment to residents of this state.

3 6. The director of revenue shall enter into agreements with
4 the Secretary of the Treasury of the United States or with the
5 appropriate secretaries of the respective branches of the Armed
6 Forces of the United States for the withholding, as required by
7 subsections 1 and 2 of this section, of income taxes due the
8 state of Missouri on wages or other payments for service in the
9 armed services of the United States or on payments received as
10 retirement or retainer pay of any member or former member of the
11 Armed Forces entitled to such pay.

12 7. Subject to appropriations for the purpose of
13 implementing this section, the director of revenue shall comply
14 with provisions of the laws of the United States as amended and
15 the regulations promulgated thereto in order that all residents
16 of this state receiving monthly retirement income as a civil
17 service annuitant from the federal government taxable by this
18 state may have withheld monthly from any such moneys, whether
19 pension, annuities or otherwise, an amount for payment of state
20 income taxes as required by state law, but such withholding shall
21 not be less than twenty-five dollars per quarter.

22 8. The provisions of this section shall not apply to out-
23 of-state businesses operating under sections 190.270 to 190.285.

24 143.451. 1. Missouri taxable income of a corporation shall
25 include all income derived from sources within this state.

26 2. A corporation described in subdivision (1) of subsection
27 1 of section 143.441 shall include in its Missouri taxable income
28 all income from sources within this state, including that from

1 the transaction of business in this state and that from the
2 transaction of business partly done in this state and partly done
3 in another state or states. However:

4 (1) Where income results from a transaction partially in
5 this state and partially in another state or states, and income
6 and deductions of the portion in the state cannot be segregated,
7 then such portions of income and deductions shall be allocated in
8 this state and the other state or states as will distribute to
9 this state a portion based upon the portion of the transaction in
10 this state and the portion in such other state or states.

11 (2) The taxpayer may elect to compute the portion of income
12 from all sources in this state in the following manner, or the
13 manner set forth in subdivision (3) of this subsection:

14 (a) The income from all sources shall be determined as
15 provided, excluding therefrom the figures for the operation of
16 any bridge connecting this state with another state.

17 (b) The amount of sales which are transactions wholly in
18 this state shall be added to one-half of the amount of sales
19 which are transactions partly within this state and partly
20 without this state, and the amount thus obtained shall be divided
21 by the total sales or in cases where sales do not express the
22 volume of business, the amount of business transacted wholly in
23 this state shall be added to one-half of the amount of business
24 transacted partly in this state and partly outside this state and
25 the amount thus obtained shall be divided by the total amount of
26 business transacted, and the net income shall be multiplied by
27 the fraction thus obtained, to determine the proportion of income
28 to be used to arrive at the amount of Missouri taxable income.

1 The investment or reinvestment of its own funds, or sale of any
2 such investment or reinvestment, shall not be considered as sales
3 or other business transacted for the determination of said
4 fraction.

5 (c) For the purposes of this subdivision, a transaction
6 involving the sale of tangible property is:

7 a. "Wholly in this state" if both the seller's shipping
8 point and the purchaser's destination point are in this state;

9 b. "Partly within this state and partly without this state"
10 if the seller's shipping point is in this state and the
11 purchaser's destination point is outside this state, or the
12 seller's shipping point is outside this state and the purchaser's
13 destination point is in this state;

14 c. Not "wholly in this state" or not "partly within this
15 state and partly without this state" only if both the seller's
16 shipping point and the purchaser's destination point are outside
17 this state.

18 (d) For purposes of this subdivision:

19 a. The purchaser's destination point shall be determined
20 without regard to the FOB point or other conditions of the sale;
21 and

22 b. The seller's shipping point is determined without regard
23 to the location of the seller's principle office or place of
24 business.

25 (3) The taxpayer may elect to compute the portion of income
26 from all sources in this state in the following manner:

27 (a) The income from all sources shall be determined as
28 provided, excluding therefrom the figures for the operation of

1 any bridge connecting this state with another state;

2 (b) The amount of sales which are transactions in this
3 state shall be divided by the total sales, and the net income
4 shall be multiplied by the fraction thus obtained, to determine
5 the proportion of income to be used to arrive at the amount of
6 Missouri taxable income. The investment or reinvestment of its
7 own funds, or sale of any such investment or reinvestment, shall
8 not be considered as sales or other business transacted for the
9 determination of said fraction;

10 (c) For the purposes of this subdivision, a transaction
11 involving the sale of tangible property is:

12 a. "In this state" if the purchaser's destination point is
13 in this state;

14 b. Not "in this state" if the purchaser's destination point
15 is outside this state;

16 (d) For purposes of this subdivision, the purchaser's
17 destination point shall be determined without regard to the FOB
18 point or other conditions of the sale and shall not be in this
19 state if the purchaser received the tangible personal property
20 from the seller in this state for delivery to the purchaser's
21 location outside this state;

22 (e) For the purposes of this subdivision, a transaction
23 involving the sale other than the sale of tangible property is
24 "in this state" if the taxpayer's market for the sales is in this
25 state. The taxpayer's market for sales is in this state:

26 a. In the case of sale, rental, lease, or license of real
27 property, if and to the extent the property is located in this
28 state;

1 b. In the case of rental, lease, or license of tangible
2 personal property, if and to the extent the property is located
3 in this state;

4 c. In the case of sale of a service, if and to the extent
5 the benefit of the service is delivered to a purchaser location
6 in this state; and

7 d. In the case of intangible property:

8 (i) That is rented, leased, or licensed, if and to the
9 extent the property is used in this state by the rentee, lessee,
10 or licensee, provided that intangible property utilized in
11 marketing a good or service to a consumer is "used in this state"
12 if that good or service is purchased by a consumer who is in this
13 state. Franchise fees or royalties received for the rent, lease,
14 license, or use of a trade name, trademark, service mark, or
15 franchise system or provides a right to conduct business activity
16 in a specific geographic area are "used in this state" to the
17 extent the franchise location is in this state; and

18 (ii) That is sold, if and to the extent the property is
19 used in this state, provided that:

20 i. A contract right, government license, or similar
21 intangible property that authorizes the holder to conduct a
22 business activity in a specific geographic area is "used in this
23 state" if the geographic area includes all or part of this state;

24 ii. Receipts from intangible property sales that are
25 contingent on the productivity, use, or disposition of the
26 intangible property shall be treated as receipts from the rental,
27 lease, or licensing of such intangible property under item (i) of
28 this subparagraph; and

1 iii. All other receipts from a sale of intangible property
2 shall be excluded from the numerator and denominator of the sales
3 factor;

4 (f) If the state or states of assignment under paragraph
5 (e) of this subdivision cannot be determined, the state or states
6 of assignment shall be reasonably approximated;

7 (g) If the state of assignment cannot be determined under
8 paragraph (e) of this subdivision or reasonably approximated
9 under paragraph (f) of this subdivision, such sales shall be
10 excluded from the denominator of the sales factor;

11 (h) The director may prescribe such rules and regulations
12 as necessary or appropriate to carry out the purposes of this
13 section.

14 (4) For purposes of this subsection, the following words
15 shall, unless the context otherwise requires, have the following
16 meaning:

17 (a) "Administration services" include, but are not limited
18 to, clerical, fund or shareholder accounting, participant record
19 keeping, transfer agency, bookkeeping, data processing,
20 custodial, internal auditing, legal and tax services performed
21 for an investment company;

22 (b) "Affiliate", the meaning as set forth in 15 U.S.C.
23 Section 80a-2(a)(3)(C), as may be amended from time to time;

24 (c) "Distribution services" include, but are not limited
25 to, the services of advertising, servicing, marketing,
26 underwriting or selling shares of an investment company, but, in
27 the case of advertising, servicing or marketing shares, only
28 where such service is performed by a person who is, or in the

1 case of a closed end company, was, either engaged in the services
2 of underwriting or selling investment company shares or
3 affiliated with a person that is engaged in the service of
4 underwriting or selling investment company shares. In the case
5 of an open end company, such service of underwriting or selling
6 shares must be performed pursuant to a contract entered into
7 pursuant to 15 U.S.C. Section 80a-15(b), as from time to time
8 amended;

9 (d) "Investment company", any person registered under the
10 federal Investment Company Act of 1940, as amended from time to
11 time, (the act) or a company which would be required to register
12 as an investment company under the act except that such person is
13 exempt to such registration pursuant to Section 80a-3(c)(1) of
14 the act;

15 (e) "Investment funds service corporation" includes any
16 corporation or S corporation doing business in the state which
17 derives more than fifty percent of its gross income in the
18 ordinary course of business from the provision directly or
19 indirectly of management, distribution or administration services
20 to or on behalf of an investment company or from trustees,
21 sponsors and participants of employee benefit plans which have
22 accounts in an investment company. An investment funds service
23 corporation shall include any corporation or S corporation
24 providing management services as an investment advisory firm
25 registered under Section 203 of the Investment Advisors Act of
26 1940, as amended from time to time, regardless of the percentage
27 of gross revenues consisting of fees from management services
28 provided to or on behalf of an investment company;

1 (f) "Management services" include but are not limited to,
2 the rendering of investment advice directly or indirectly to an
3 investment company making determinations as to when sales and
4 purchases of securities are to be made on behalf of the
5 investment company, or the selling or purchasing of securities
6 constituting assets of an investment company, and related
7 activities, but only where such activity or activities are
8 performed:

9 a. Pursuant to a contract with the investment company
10 entered into pursuant to 15 U.S.C. Section 80a-15(a), as from
11 time to time amended;

12 b. For a person that has entered into such contract with
13 the investment company; or

14 c. For a person that is affiliated with a person that has
15 entered into such contract with an investment company;

16 (g) "Qualifying sales", gross income derived from the
17 provision directly or indirectly of management, distribution or
18 administration services to or on behalf of an investment company
19 or from trustees, sponsors and participants of employee benefit
20 plans which have accounts in an investment company. For purposes
21 of this section, "gross income" is defined as that amount of
22 income earned from qualifying sources without deduction of
23 expenses related to the generation of such income;

24 (h) "Residence", presumptively the fund shareholder's
25 mailing address on the records of the investment company. If,
26 however, the investment company or the investment funds service
27 corporation has actual knowledge that the fund shareholder's
28 primary residence or principal place of business is different

1 than the fund shareholder's mailing address such presumption
2 shall not control. To the extent an investment funds service
3 corporation does not have access to the records of the investment
4 company, the investment funds service corporation may employ
5 reasonable methods to determine the investment company fund
6 shareholder's residence.

7 (5) Notwithstanding other provisions of law to the
8 contrary, qualifying sales of an investment funds service
9 corporation, or S corporation, shall be considered wholly in this
10 state only to the extent that the fund shareholders of the
11 investment companies, to which the investment funds service
12 corporation, or S corporation, provide services, are resided
13 in this state. Wholly in this state qualifying sales of an
14 investment funds service corporation, or S corporation, shall be
15 determined as follows:

16 (a) By multiplying the investment funds service
17 corporation's total dollar amount of qualifying sales from
18 services provided to each investment company by a fraction, the
19 numerator of which shall be the average of the number of shares
20 owned by the investment company's fund shareholders resided in
21 this state at the beginning of and at the end of the investment
22 company's taxable year that ends with or within the investment
23 funds service corporation's taxable year, and the denominator of
24 which shall be the average of the number of shares owned by the
25 investment company's fund shareholders everywhere at the
26 beginning of and at the end of the investment company's taxable
27 year that ends with or within the investment funds service
28 corporation's taxable year;

1 (b) A separate computation shall be made to determine the
2 wholly in this state qualifying sales from each investment
3 company. The qualifying sales for each investment company shall
4 be multiplied by the respective percentage of each fund, as
5 calculated pursuant to paragraph (a) of this subdivision. The
6 product of this equation shall result in the wholly in this state
7 qualifying sales. The qualifying sales for each investment
8 company which are not wholly in this state will be considered
9 wholly without this state;

10 (c) To the extent an investment funds service corporation
11 has sales which are not qualifying sales, those nonqualified
12 sales shall be apportioned to this state based on the methodology
13 utilized by the investment funds service corporation without
14 regard to this subdivision.

15 3. Any corporation described in subdivision (1) of
16 subsection 1 of section 143.441 organized in this state or
17 granted a permit to operate in this state for the transportation
18 or care of passengers shall report its gross earnings within the
19 state on intrastate business and shall also report its gross
20 earnings on all interstate business done in this state which
21 report shall be subject to inquiry for the purpose of determining
22 the amount of income to be included in Missouri taxable income.
23 The previous sentence shall not apply to a railroad.

24 4. A corporation described in subdivision (2) of subsection
25 1 of section 143.441 shall include in its Missouri taxable income
26 all income arising from all sources in this state and all income
27 from each transportation service wholly within this state, from
28 each service where the only lines of such corporation used are

1 those in this state, and such proportion of revenue from each
2 service where the facilities of such corporation in this state
3 and in another state or states are used, as the mileage used over
4 the lines of such corporation in the state shall bear to the
5 total mileage used over the lines of such corporation. The
6 taxpayer may elect to compute the portion of income from all
7 sources within this state in the following manner:

8 (1) The income from all sources shall be determined as
9 provided;

10 (2) The amount of investment of such corporation on
11 December thirty-first of each year in this state in fixed
12 transportation facilities, real estate and improvements, plus the
13 value on December thirty-first of each year of any fixed
14 transportation facilities, real estate and improvements in this
15 state leased from any other railroad shall be divided by the sum
16 of the total amount of investment of such corporation on December
17 thirty-first of each year in fixed transportation facilities,
18 real estate and improvements, plus the value on December thirty-
19 first of each year, of any fixed transportation facilities, real
20 estate and improvements leased from any other railroad. Where
21 any fixed transportation facilities, real estate or improvements
22 are leased by more than one railroad, such portion of the value
23 shall be used by each railroad as the rental paid by each shall
24 bear to the rental paid by all lessees. The income shall be
25 multiplied by the fraction thus obtained to determine the
26 proportion to be used to arrive at the amount of Missouri taxable
27 income.

28 5. A corporation described in subdivision (3) of subsection

1 1 of section 143.441 shall include in its Missouri taxable income
2 one-half of the net income from the operation of a bridge between
3 this and another state. If any such bridge is owned or operated
4 by a railroad corporation or corporations, or by a corporation
5 owning a railroad corporation using such bridge, then the figures
6 for operation of such bridge may be included in the return of
7 such railroad or railroads; or if such bridge is owned or
8 operated by any other corporation which may now or hereafter be
9 required to file an income tax return, one-half of the income or
10 loss to such corporation from such bridge may be included in such
11 return by adding or subtracting same to or from another net
12 income or loss shown by the return.

13 6. A corporation described in subdivision (4) of subsection
14 1 of section 143.441 shall include in its Missouri taxable income
15 all income arising from all sources within this state. Income
16 shall include revenue from each telephonic or telegraphic service
17 rendered wholly within this state; from each service rendered for
18 which the only facilities of such corporation used are those in
19 this state; and from each service rendered over the facilities of
20 such corporation in this state and in other state or states, such
21 proportion of such revenue as the mileage involved in this state
22 shall bear to the total mileage involved over the lines of said
23 company in all states. The taxpayer may elect to compute the
24 portion of income from all sources within this state in the
25 following manner:

26 (1) The income from all sources shall be determined as
27 provided;

28 (2) The amount of investment of such corporation on

1 December thirty-first of each year in this state in telephonic or
2 telegraphic facilities, real estate and improvements thereon,
3 shall be divided by the amount of the total investment of such
4 corporation on December thirty-first of each year in telephonic
5 or telegraphic facilities, real estate and improvements. The
6 income of the taxpayer shall be multiplied by fraction thus
7 obtained to determine the proportion to be used to arrive at the
8 amount of Missouri taxable income.

9 7. From the income determined in subsections 2, 3, 4, 5 and
10 6 of this section to be from all sources within this state shall
11 be deducted such of the deductions for expenses in determining
12 Missouri taxable income as were incurred in this state to produce
13 such income and all losses actually sustained in this state in
14 the business of the corporation.

15 8. If a corporation derives only part of its income from
16 sources within Missouri, its Missouri taxable income shall only
17 reflect the effect of the following listed deductions to the
18 extent applicable to Missouri. The deductions are: (a) its
19 deduction for federal income taxes pursuant to section 143.171,
20 and (b) the effect on Missouri taxable income of the deduction
21 for net operating loss allowed by Section 172 of the Internal
22 Revenue Code. The extent applicable to Missouri shall be
23 determined by multiplying the amount that would otherwise affect
24 Missouri taxable income by the ratio for the year of the Missouri
25 taxable income of the corporation for the year divided by the
26 Missouri taxable income for the year as though the corporation
27 had derived all of its income from sources within Missouri. For
28 the purpose of the preceding sentence, Missouri taxable income

1 shall not reflect the listed deductions.

2 9. Any investment funds service corporation organized as a
3 corporation or S corporation which has any shareholders
4 resided in this state shall be subject to Missouri income tax
5 as provided in this chapter.

6 144.030. 1. There is hereby specifically exempted from the
7 provisions of sections 144.010 to 144.525 and from the
8 computation of the tax levied, assessed or payable pursuant to
9 sections 144.010 to 144.525 such retail sales as may be made in
10 commerce between this state and any other state of the United
11 States, or between this state and any foreign country, and any
12 retail sale which the state of Missouri is prohibited from taxing
13 pursuant to the Constitution or laws of the United States of
14 America, and such retail sales of tangible personal property
15 which the general assembly of the state of Missouri is prohibited
16 from taxing or further taxing by the constitution of this state.

17 2. There are also specifically exempted from the provisions
18 of the local sales tax law as defined in section 32.085, section
19 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
20 and from the computation of the tax levied, assessed or payable
21 pursuant to the local sales tax law as defined in section 32.085,
22 section 238.235, and sections 144.010 to 144.525 and 144.600 to
23 144.745:

24 (1) Motor fuel or special fuel subject to an excise tax of
25 this state, unless all or part of such excise tax is refunded
26 pursuant to section 142.824; or upon the sale at retail of fuel
27 to be consumed in manufacturing or creating gas, power, steam,
28 electrical current or in furnishing water to be sold ultimately

1 at retail; or feed for livestock or poultry; or grain to be
2 converted into foodstuffs which are to be sold ultimately in
3 processed form at retail; or seed, limestone or fertilizer which
4 is to be used for seeding, liming or fertilizing crops which when
5 harvested will be sold at retail or will be fed to livestock or
6 poultry to be sold ultimately in processed form at retail;
7 economic poisons registered pursuant to the provisions of the
8 Missouri pesticide registration law (sections 281.220 to 281.310)
9 which are to be used in connection with the growth or production
10 of crops, fruit trees or orchards applied before, during, or
11 after planting, the crop of which when harvested will be sold at
12 retail or will be converted into foodstuffs which are to be sold
13 ultimately in processed form at retail;

14 (2) Materials, manufactured goods, machinery and parts
15 which when used in manufacturing, processing, compounding,
16 mining, producing or fabricating become a component part or
17 ingredient of the new personal property resulting from such
18 manufacturing, processing, compounding, mining, producing or
19 fabricating and which new personal property is intended to be
20 sold ultimately for final use or consumption; and materials,
21 including without limitation, gases and manufactured goods,
22 including without limitation slagging materials and firebrick,
23 which are ultimately consumed in the manufacturing process by
24 blending, reacting or interacting with or by becoming, in whole
25 or in part, component parts or ingredients of steel products
26 intended to be sold ultimately for final use or consumption;

27 (3) Materials, replacement parts and equipment purchased
28 for use directly upon, and for the repair and maintenance or

1 manufacture of, motor vehicles, watercraft, railroad rolling
2 stock or aircraft engaged as common carriers of persons or
3 property;

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

14 (5) Replacement machinery, equipment, and parts and the
15 materials and supplies solely required for the installation or
16 construction of such replacement machinery, equipment, and parts,
17 used directly in manufacturing, mining, fabricating or producing
18 a product which is intended to be sold ultimately for final use
19 or consumption; and machinery and equipment, and the materials
20 and supplies required solely for the operation, installation or
21 construction of such machinery and equipment, purchased and used
22 to establish new, or to replace or expand existing, material
23 recovery processing plants in this state. For the purposes of
24 this subdivision, a "material recovery processing plant" means a
25 facility that has as its primary purpose the recovery of
26 materials into a useable product or a different form which is
27 used in producing a new product and shall include a facility or
28 equipment which are used exclusively for the collection of

1 recovered materials for delivery to a material recovery
2 processing plant but shall not include motor vehicles used on
3 highways. For purposes of this section, the terms motor vehicle
4 and highway shall have the same meaning pursuant to section
5 301.010. Material recovery is not the reuse of materials within
6 a manufacturing process or the use of a product previously
7 recovered. The material recovery processing plant shall qualify
8 under the provisions of this section regardless of ownership of
9 the material being recovered;

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

17 (7) Tangible personal property which is used exclusively in
18 the manufacturing, processing, modification or assembling of
19 products sold to the United States government or to any agency of
20 the United States government;

21 (8) Animals or poultry used for breeding or feeding
22 purposes, or captive wildlife;

23 (9) Newsprint, ink, computers, photosensitive paper and
24 film, toner, printing plates and other machinery, equipment,
25 replacement parts and supplies used in producing newspapers
26 published for dissemination of news to the general public;

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

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

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

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

27 (14) Anodes which are used or consumed in manufacturing,
28 processing, compounding, mining, producing or fabricating and

1 which have a useful life of less than one year;

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

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

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

14 (18) All amounts paid or charged for admission or
15 participation or other fees paid by or other charges to
16 individuals in or for any place of amusement, entertainment or
17 recreation, games or athletic events, including museums, fairs,
18 zoos and planetariums, owned or operated by a municipality or
19 other political subdivision where all the proceeds derived
20 therefrom benefit the municipality or other political subdivision
21 and do not inure to any private person, firm, or corporation,
22 provided, however, that a municipality or other political
23 subdivision may enter into revenue-sharing agreements with
24 private persons, firms, or corporations providing goods or
25 services, including management services, in or for the place of
26 amusement, entertainment or recreation, games or athletic events,
27 and provided further that nothing in this subdivision shall
28 exempt from tax any amounts retained by any private person, firm,

1 or corporation under such revenue-sharing agreement;

2 (19) All sales of insulin and prosthetic or orthopedic
3 devices as defined on January 1, 1980, by the federal Medicare
4 program pursuant to Title XVIII of the Social Security Act of
5 1965, including the items specified in Section 1862(a)(12) of
6 that act, and also specifically including hearing aids and
7 hearing aid supplies and all sales of drugs which may be legally
8 dispensed by a licensed pharmacist only upon a lawful
9 prescription of a practitioner licensed to administer those
10 items, including samples and materials used to manufacture
11 samples which may be dispensed by a practitioner authorized to
12 dispense such samples and all sales or rental of medical oxygen,
13 home respiratory equipment and accessories, hospital beds and
14 accessories and ambulatory aids, all sales or rental of manual
15 and powered wheelchairs, stairway lifts, Braille writers,
16 electronic Braille equipment and, if purchased or rented by or on
17 behalf of a person with one or more physical or mental
18 disabilities to enable them to function more independently, all
19 sales or rental of scooters, reading machines, electronic print
20 enlargers and magnifiers, electronic alternative and augmentative
21 communication devices, and items used solely to modify motor
22 vehicles to permit the use of such motor vehicles by individuals
23 with disabilities or sales of over-the-counter or nonprescription
24 drugs to individuals with disabilities, and drugs required by the
25 Food and Drug Administration to meet the over-the-counter drug
26 product labeling requirements in 21 CFR 201.66, or its successor,
27 as prescribed by a health care practitioner licensed to
28 prescribe;

1 (20) All sales made by or to religious and charitable
2 organizations and institutions in their religious, charitable or
3 educational functions and activities and all sales made by or to
4 all elementary and secondary schools operated at public expense
5 in their educational functions and activities;

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

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

1 (23) All sales made to any private not-for-profit
2 elementary or secondary school, all sales of feed additives,
3 medications or vaccines administered to livestock or poultry in
4 the production of food or fiber, all sales of pesticides used in
5 the production of crops, livestock or poultry for food or fiber,
6 all sales of bedding used in the production of livestock or
7 poultry for food or fiber, all sales of propane or natural gas,
8 electricity or diesel fuel used exclusively for drying
9 agricultural crops, natural gas used in the primary manufacture
10 or processing of fuel ethanol as defined in section 142.028,
11 natural gas, propane, and electricity used by an eligible new
12 generation cooperative or an eligible new generation processing
13 entity as defined in section 348.432, and all sales of farm
14 machinery and equipment, other than airplanes, motor vehicles and
15 trailers, and any freight charges on any exempt item. As used in
16 this subdivision, the term "feed additives" means tangible
17 personal property which, when mixed with feed for livestock or
18 poultry, is to be used in the feeding of livestock or poultry.
19 As used in this subdivision, the term "pesticides" includes
20 adjuvants such as crop oils, surfactants, wetting agents and
21 other assorted pesticide carriers used to improve or enhance the
22 effect of a pesticide and the foam used to mark the application
23 of pesticides and herbicides for the production of crops,
24 livestock or poultry. As used in this subdivision, the term
25 "farm machinery and equipment" means new or used farm tractors
26 and such other new or used farm machinery and equipment and
27 repair or replacement parts thereon and any accessories for and
28 upgrades to such farm machinery and equipment, rotary mowers used

1 exclusively for agricultural purposes, and supplies and
2 lubricants used exclusively, solely, and directly for producing
3 crops, raising and feeding livestock, fish, poultry, pheasants,
4 chukar, quail, or for producing milk for ultimate sale at retail,
5 including field drain tile, and one-half of each purchaser's
6 purchase of diesel fuel therefor which is:

7 (a) Used exclusively for agricultural purposes;

8 (b) Used on land owned or leased for the purpose of
9 producing farm products; and

10 (c) Used directly in producing farm products to be sold
11 ultimately in processed form or otherwise at retail or in
12 producing farm products to be fed to livestock or poultry to be
13 sold ultimately in processed form at retail;

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

19 (a) "Domestic use" means that portion of metered water
20 service, electricity, electrical current, natural, artificial or
21 propane gas, wood, coal or home heating oil, and in any city not
22 within a county, metered or unmetered water service, which an
23 individual occupant of a residential premises uses for
24 nonbusiness, noncommercial or nonindustrial purposes. Utility
25 service through a single or master meter for residential
26 apartments or condominiums, including service for common areas
27 and facilities and vacant units, shall be deemed to be for
28 domestic use. Each seller shall establish and maintain a system

1 whereby individual purchases are determined as exempt or
2 nonexempt;

3 (b) Regulated utility sellers shall determine whether
4 individual purchases are exempt or nonexempt based upon the
5 seller's utility service rate classifications as contained in
6 tariffs on file with and approved by the Missouri public service
7 commission. Sales and purchases made pursuant to the rate
8 classification "residential" and sales to and purchases made by
9 or on behalf of the occupants of residential apartments or
10 condominiums through a single or master meter, including service
11 for common areas and facilities and vacant units, shall be
12 considered as sales made for domestic use and such sales shall be
13 exempt from sales tax. Sellers shall charge sales tax upon the
14 entire amount of purchases classified as nondomestic use. The
15 seller's utility service rate classification and the provision of
16 service thereunder shall be conclusive as to whether or not the
17 utility must charge sales tax;

18 (c) Each person making domestic use purchases of services
19 or property and who uses any portion of the services or property
20 so purchased for a nondomestic use shall, by the fifteenth day of
21 the fourth month following the year of purchase, and without
22 assessment, notice or demand, file a return and pay sales tax on
23 that portion of nondomestic purchases. Each person making
24 nondomestic purchases of services or property and who uses any
25 portion of the services or property so purchased for domestic
26 use, and each person making domestic purchases on behalf of
27 occupants of residential apartments or condominiums through a
28 single or master meter, including service for common areas and

1 facilities and vacant units, under a nonresidential utility
2 service rate classification may, between the first day of the
3 first month and the fifteenth day of the fourth month following
4 the year of purchase, apply for credit or refund to the director
5 of revenue and the director shall give credit or make refund for
6 taxes paid on the domestic use portion of the purchase. The
7 person making such purchases on behalf of occupants of
8 residential apartments or condominiums shall have standing to
9 apply to the director of revenue for such credit or refund;

10 (25) All sales of handicraft items made by the seller or
11 the seller's spouse if the seller or the seller's spouse is at
12 least sixty-five years of age, and if the total gross proceeds
13 from such sales do not constitute a majority of the annual gross
14 income of the seller;

15 (26) Excise taxes, collected on sales at retail, imposed by
16 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
17 4271 of Title 26, United States Code. The director of revenue
18 shall promulgate rules pursuant to chapter 536 to eliminate all
19 state and local sales taxes on such excise taxes;

20 (27) Sales of fuel consumed or used in the operation of
21 ships, barges, or waterborne vessels which are used primarily in
22 or for the transportation of property or cargo, or the conveyance
23 of persons for hire, on navigable rivers bordering on or located
24 in part in this state, if such fuel is delivered by the seller to
25 the purchaser's barge, ship, or waterborne vessel while it is
26 afloat upon such river;

27 (28) All sales made to an interstate compact agency created
28 pursuant to sections 70.370 to 70.441 or sections 238.010 to

1 238.100 in the exercise of the functions and activities of such
2 agency as provided pursuant to the compact;

3 (29) Computers, computer software and computer security
4 systems purchased for use by architectural or engineering firms
5 headquartered in this state. For the purposes of this
6 subdivision, "headquartered in this state" means the office for
7 the administrative management of at least four integrated
8 facilities operated by the taxpayer is located in the state of
9 Missouri;

10 (30) All livestock sales when either the seller is engaged
11 in the growing, producing or feeding of such livestock, or the
12 seller is engaged in the business of buying and selling,
13 bartering or leasing of such livestock;

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

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

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

24 (34) Tangible personal property and utilities purchased for
25 use or consumption directly or exclusively in the research and
26 development of agricultural/biotechnology and plant genomics
27 products and prescription pharmaceuticals consumed by humans or
28 animals;

1 (35) All sales of grain bins for storage of grain for
2 resale;

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

7 (37) All purchases by a contractor on behalf of an entity
8 located in another state, provided that the entity is authorized
9 to issue a certificate of exemption for purchases to a contractor
10 under the provisions of that state's laws. For purposes of this
11 subdivision, the term "certificate of exemption" shall mean any
12 document evidencing that the entity is exempt from sales and use
13 taxes on purchases pursuant to the laws of the state in which the
14 entity is located. Any contractor making purchases on behalf of
15 such entity shall maintain a copy of the entity's exemption
16 certificate as evidence of the exemption. If the exemption
17 certificate issued by the exempt entity to the contractor is
18 later determined by the director of revenue to be invalid for any
19 reason and the contractor has accepted the certificate in good
20 faith, neither the contractor or the exempt entity shall be
21 liable for the payment of any taxes, interest and penalty due as
22 the result of use of the invalid exemption certificate.

23 Materials shall be exempt from all state and local sales and use
24 taxes when purchased by a contractor for the purpose of
25 fabricating tangible personal property which is used in
26 fulfilling a contract for the purpose of constructing, repairing
27 or remodeling facilities for the following:

28 (a) An exempt entity located in this state, if the entity

1 is one of those entities able to issue project exemption
2 certificates in accordance with the provisions of section
3 144.062; or

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

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

13 (39) Sales of tickets to any collegiate athletic
14 championship event that is held in a facility owned or operated
15 by a governmental authority or commission, a quasi-governmental
16 agency, a state university or college or by the state or any
17 political subdivision thereof, including a municipality, and that
18 is played on a neutral site and may reasonably be played at a
19 site located outside the state of Missouri. For purposes of this
20 subdivision, "neutral site" means any site that is not located on
21 the campus of a conference member institution participating in
22 the event;

23 (40) All purchases by a sports complex authority created
24 under section 64.920, and all sales of utilities by such
25 authority at the authority's cost that are consumed in connection
26 with the operation of a sports complex leased to a professional
27 sports team;

28 (41) Beginning January 1, 2009, but not after January 1,

1 2015, materials, replacement parts, and equipment purchased for
2 use directly upon, and for the modification, replacement, repair,
3 and maintenance of aircraft, aircraft power plants, and aircraft
4 accessories;

5 (42) Sales of sporting clays, wobble, skeet, and trap
6 targets to any shooting range or similar places of business for
7 use in the normal course of business and money received by a
8 shooting range or similar places of business from patrons and
9 held by a shooting range or similar place of business for
10 redistribution to patrons at the conclusion of a shooting event.

11 3. Any ruling, agreement, or contract, whether written or
12 oral, express or implied, between a person and this state's
13 executive branch, or any other state agency or department,
14 stating, agreeing, or ruling that such person is not required to
15 collect sales and use tax in this state despite the presence of a
16 warehouse, distribution center, or fulfillment center in this
17 state that is owned or operated by the person or an affiliated
18 person shall be null and void unless it is specifically approved
19 by a majority vote of each of the houses of the general assembly.
20 For purposes of this subsection, an "affiliated person" means any
21 person that is a member of the same controlled group of
22 corporations as defined in Section 1563(a) of the Internal
23 Revenue Code of 1986, as amended, as the vendor or any other
24 entity that, notwithstanding its form of organization, bears the
25 same ownership relationship to the vendor as a corporation that
26 is a member of the same controlled group of corporations as
27 defined in Section 1563(a) of the Internal Revenue Code, as
28 amended.

1 4. There shall be no tax under the local sales tax law as
2 defined in section 32.085, section 238.235, and sections 144.010
3 to 144.525 and 144.600 to 144.745 on the titling of motor
4 vehicles with a model year of at least ten years prior to the
5 year in which the motor vehicle is being titled. The exemption
6 authorized under this subsection shall not apply to the titling
7 of motor vehicles with a sale price over fifteen thousand
8 dollars.

9 144.044. 1. As used in this section, the following terms
10 mean:

11 (1) "Sale of a modular unit", a transfer of a modular unit
12 as defined in section 700.010;

13 (2) "Sale of a new manufactured home", a transfer of a
14 manufactured home, as defined in section 700.010, which involves
15 the delivery of the document known as the manufacturer's
16 statement of origin to a person other than a manufactured home
17 dealer, as dealer is defined in section 700.010, for purposes of
18 allowing such person to obtain a title to the manufactured home
19 from the department of revenue of this state or the appropriate
20 agency or officer of any other state;

21 (3) "Sale of a used manufactured home", any subsequent sale
22 of a manufactured home as defined in section 700.010, which does
23 not qualify as "new" as defined in subdivision (9) of section
24 700.010.

25 2. In the event of the sale of a new manufactured home,
26 forty percent of the purchase price, as defined in section
27 700.320, shall be considered the sale of a service and not the
28 sale of tangible personal property. In addition to the

1 exemptions granted under the provisions of section 144.030, the
2 sale of services as defined in this section shall be specifically
3 exempted from the provisions of sections 238.235 and 238.410, the
4 local sales tax law as defined in section 32.085, sections
5 144.010 to 144.525 and 144.600 to [144.745] 144.761, and from the
6 computation of the tax levied, assessed or payable under sections
7 238.235 and 238.410, the local sales tax law as defined in
8 section 32.085, sections 144.010 to 144.525 and 144.600 to
9 [144.745] 144.761, and section 238.235.

10 3. In the event of the sale of a new modular unit, forty
11 percent of the retail sale of the unit or forty percent of the
12 manufacturer's sales price of the unit if the manufacturer makes
13 a sale to a consumer that is not a retail sale, plus any carrier
14 charge and freight charges shall be considered the sale of a
15 service and sixty percent shall be the retail sale of tangible
16 personal property. In addition to the exemptions granted under
17 the provisions of section 144.030, the sale of services as
18 defined in this section shall be specifically exempted from the
19 provisions of sections 238.235 and 238.410, the local sales tax
20 law as defined in section 32.085, sections 144.010 to 144.525 and
21 144.600 to [144.745] 144.761, and from the computation of the tax
22 levied, assessed, or payable under sections 238.235 and 238.410,
23 the local sales tax law as defined in section 32.085, sections
24 144.010 to 144.525 and 144.600 to [144.745] 144.761, and section
25 238.235.

26 4. In addition to the exemptions granted under the
27 provisions of section 144.030, the sale of a used manufactured
28 home as defined in this section shall be specifically exempted

1 from the provisions of sections 238.235 and 238.410, the local
2 sales tax law as defined in section 32.085, sections 144.010 to
3 144.525 and 144.600 to 144.761, and from the computation of the
4 tax levied, assessed, or payable under sections 238.235 and
5 238.410, the local sales tax law as defined in section 32.085,
6 sections 144.010 to 144.525 and 144.600 to 144.761, and section
7 238.235.

8 144.610. 1. A tax is imposed for the privilege of storing,
9 using or consuming within this state any article of tangible
10 personal property, excluding motor vehicles, trailers,
11 motorcycles, mopeds, motortricycles, boats, and outboard motors
12 required to be titled under the laws of the state of Missouri and
13 subject to tax under subdivision (9) of subsection 1 of section
14 144.020, purchased on or after the effective date of sections
15 144.600 to 144.745 in an amount equivalent to the percentage
16 imposed on the sales price in the sales tax law in section
17 144.020. This tax does not apply with respect to the storage,
18 use or consumption of any article of tangible personal property
19 purchased, produced or manufactured outside this state until the
20 transportation of the article has finally come to rest within
21 this state or until the article has become commingled with the
22 general mass of property of this state.

23 2. Every person storing, using or consuming in this state
24 tangible personal property subject to the tax in subsection 1 of
25 this section is liable for the tax imposed by this law, and the
26 liability shall not be extinguished until the tax is paid to this
27 state, but a receipt from a vendor authorized by the director of
28 revenue under the rules and regulations that he prescribes to

1 collect the tax, given to the purchaser in accordance with the
2 provisions of section 144.650, relieves the purchaser from
3 further liability for the tax to which receipt refers.

4 3. Because this section no longer imposes a Missouri use
5 tax on the storage, use, or consumption of motor vehicles,
6 trailers, motorcycles, mopeds, motortricycles, boats, and
7 outboard motors required to be titled under the laws of the state
8 of Missouri, in that the state sales tax is now imposed on the
9 titling of such property, the local sales tax, rather than the
10 local use tax, applies.

11 4. The provisions of this section shall not apply to out-
12 of-state businesses or out-of-state employees operating under
13 sections 190.270 to 190.285.

14 144.1030. 1. Notwithstanding sections 144.010, 144.018,
15 and 144.020 to the contrary, in the case of a multi-use arena
16 that:

17 (1) Is publicly owned, but operated under a contract with a
18 private company;

19 (2) Was originally funded in a public-private partnership
20 that included private investment of at least forty million
21 dollars; and

22 (3) Is located in a city with a population of more than
23 three hundred thousand inhabitants which is located in more than
24 one county;

25
26 "sales at retail" shall not include the amount paid that results
27 in the first opportunity to purchase or decline tickets for
28 admission to events at such arena, but does not itself result in

1 admission.

2 190.270. Sections 190.270 to 190.285 shall be known and may
3 be cited as the "Facilitating Business Rapid Response to State
4 Declared Disasters Act".

5 190.275. As used in sections 190.270 to 190.285, unless the
6 context clearly indicates otherwise, the following terms mean:

7 (1) "Declared state disaster" or "emergency", a disaster or
8 emergency event for which a governor's state of emergency
9 proclamation has been issued or that the President of the United
10 States has declared to be a major disaster or emergency;

11 (2) "Disaster period", the period of time that begins ten
12 days before the governor's proclamation of a state of emergency
13 or the declaration by the President of the United States of a
14 major disaster or emergency, whichever occurs first, and
15 extending for a period of sixty calendar days following the end
16 of the period specified in the proclamation or declaration or
17 sixty calendar days from the proclamation or declaration if no
18 end is provided. The governor may extend the disaster period as
19 warranted.

20 (3) "Infrastructure", property and equipment owned or used
21 by a public utility, communications network, broadband and
22 internet service provider, cable and video service provider, gas
23 distribution system, or water pipeline that provides service to
24 more than one customer or person, including related support
25 facilities. Infrastructure includes real and personal property
26 such as buildings, offices, power lines, cable lines, poles,
27 communication lines, pipes, structures, and equipment;

28 (4) "Out-of-state business", a business entity:

1 (a) That does not have a presence in the state;

2 (b) That does not conduct business in the state;

3 (c) That has no registrations, tax filings, or nexus in the
4 state before the declared disaster or emergency; and

5 (d) Whose assistance in repairing, renovating, installing,
6 or building infrastructure related to a declared state disaster
7 or emergency is requested by the state, a county, city, town, or
8 other political subdivision of the state or a registered business
9 that owns or uses infrastructure as defined in this section.

10 Out-of-state business includes a business entity that is
11 affiliated with a registered business solely through common
12 ownership as long as that business entity does not have any
13 registrations, tax filings, or nexus in the state before the
14 declared state disaster or emergency.

15
16 For purposes of this section, a prior registration as an out-of-
17 state business for a declared disaster or emergency shall not be
18 considered a registration in this state;

19 (5) "Out-of-state employee", an individual who does not
20 work in the state except for disaster or emergency related work
21 during a disaster period;

22 (6) "Registered business", a business entity that is
23 registered or licensed to do business in the state before the
24 declared state disaster or emergency.

25 190.280. 1. An out-of-state business that conducts
26 operations within the state for purposes of assisting in
27 repairing, renovating, installing, or building infrastructure
28 related to a declared state disaster or emergency during the

1 disaster period shall not be considered to have established a
2 level of presence that would subject the business or any of its
3 out-of-state employees to any of the following state or local
4 employment, licensing, or registration requirements:

5 (1) Except as set forth in section 190.285, registration
6 with the secretary of state;

7 (2) Withholding or income tax registration, filing, or
8 remitting requirements; and

9 (3) Use tax on equipment used or consumed during the
10 disaster period if such equipment does not remain in the state
11 after the disaster period.

12 2. An out-of-state employee shall not be considered to have
13 established residency or a presence in the state that would
14 require that person or that person's employer to file and pay
15 income taxes, to be subjected to tax withholdings, or to file and
16 pay any other state or local income or withholding tax or fee for
17 work repairing, renovating, installing, or building
18 infrastructure during the disaster period.

19 3. After the conclusion of a disaster period, an out-of-
20 state business or out-of-state employee that remains in the state
21 is fully subject to the state or local employment, licensing, or
22 registration requirements listed in this section or that were
23 otherwise suspended under sections 190.270 through 190.285 during
24 the disaster period.

25 190.285. 1. An out-of-state business shall provide
26 notification to the secretary of state within ten days after
27 entry to the state during a disaster period that the out-of-state
28 business is in the state for purposes of responding to the

1 declared state disaster or emergency. The out-of-state business
2 shall provide to the secretary of state information related to
3 the out-of-state business including, but not limited to, the
4 following:

5 (1) Name;

6 (2) State of domicile;

7 (3) Principal business address;

8 (4) Federal employer identification number;

9 (5) The date when the out-of-state business entered the
10 state; and

11 (6) Contact information while the out-of-state business is
12 in this state.

13 2. A registered business shall provide the notification
14 required in subsection 1 of this section for an affiliate of the
15 registered business that enters the state as an out-of-state
16 business. The notification under this subsection also must
17 include contact information for the registered business in the
18 state.

19 3. An out-of-state business that remains in the state after
20 a disaster period shall notify the secretary of state within ten
21 days after the end of the disaster period and shall meet all
22 registration, licensing, and filing requirements resulting from
23 any business presence or activity in the state.

24 4. The secretary of state shall provide information received
25 from out-of-state businesses or registered businesses under this
26 section to the department of revenue within thirty days after
27 receipt of notification.

28 190.286. The provisions of sections 190.270 to 190.285

1 shall not grant exemptions authorized by such sections to any
2 out-of-state business performing work pursuant to a request for
3 bid or request for proposal by a state agency or political
4 subdivision.

5 285.230. 1. As used in this section, "transient employer"
6 means an employer as defined in sections 143.191, 287.030, and
7 288.032 making payment of wages taxable under chapters 143, 287,
8 and 288 who is not domiciled in this state and who temporarily
9 transacts any business within the state, but shall not include
10 any employer who is not subject to Missouri income tax because of
11 the provisions of 15 U.S.C. 381. The transaction of business
12 shall be considered temporary at any time it cannot be reasonably
13 expected to continue for a period of twenty-four consecutive
14 months. Professional athletic teams and professional
15 entertainers domiciled in a state other than Missouri shall be
16 deemed a "transient employer" for the purposes of this section,
17 unless the person or entity who pays compensation to the
18 nonresident entertainer has fully complied with the provisions of
19 section 143.183 in which case the nonresident entertainer shall
20 not be considered a transient employer.

21 2. Employers meeting the following criteria shall not be
22 required to file a financial assurance instrument as required by
23 this section:

24 (1) The principal place of business of the employer must be
25 in a county of another state which is contiguous to the state of
26 Missouri; and

27 (2) The employer must have been under contract to perform
28 work in Missouri for at least sixty days cumulatively out of

1 twelve months during each of the two calendar years immediately
2 preceding the employer's initial application for exemption from
3 the provisions of this section; and

4 (3) The employer must have in his possession a tax
5 clearance from the department of revenue and the division of
6 employment security stating that the employer has faithfully
7 complied with the tax laws of this state during the period set
8 out in subdivision (2) of this subsection.

9 Within ninety days of August 13, 1988, such employers must obtain
10 initial tax clearances in accordance with subdivision (3) of this
11 subsection. Any tax clearance issued under the provisions of
12 this section by the division of employment security shall be
13 submitted to the department of revenue. On or before January
14 thirty-first of each year, except January thirty-first following
15 the year during which the employer first meets these criteria,
16 the employer shall submit application to the department of
17 revenue and division of employment security for a renewed tax
18 clearance. Failure to submit such renewal applications or
19 failure to comply with applicable Missouri taxing and employment
20 security laws during the period between annual renewal dates or
21 removal of the employer's principal place of business from a
22 county in another state which is contiguous to Missouri to a
23 state other than Missouri shall immediately subject the employer
24 to all provisions of this section. An employer meeting the
25 requirements of this subsection shall still be subject to the
26 provisions of subsection 5 of this section.

27 3. Every transient employer shall file with the director of
28 revenue a financial assurance instrument including, but not

1 limited to, a cash bond, a surety bond, or an irrevocable letter
2 of credit as defined in section 400.5-103 issued by any state or
3 federal financial institution. The financial assurance
4 instrument shall be in an amount not less than the average
5 estimated quarterly withholding tax liability of the applicant,
6 but in no case less than five thousand dollars nor more than
7 twenty-five thousand dollars. Any corporate surety shall be
8 licensed to do such business in this state and approved by the
9 director of revenue to act as a surety. The transient employer
10 shall be the principal obligor and the state of Missouri shall be
11 the obligee. The financial assurance instrument shall be
12 conditioned upon the prompt filing of true reports and the
13 payment by such employer to the director of revenue of any and
14 all withholding taxes which are now or which hereafter may be
15 levied or imposed by the state of Missouri, upon the employer,
16 together with any and all penalties and interest thereon, and
17 generally upon the faithful compliance with the provisions of
18 chapters 143, 287, and 288.

19 4. Any transient employer who is already otherwise required
20 to file a financial assurance instrument as a condition of any
21 contract, provided said financial assurance instrument guarantees
22 payment of all applicable state taxes and all withholding taxes
23 levied or imposed by the state and provided that such financial
24 assurance instrument is delivered by certified mail to the
25 department of revenue by the applicable awarding entity at least
26 fourteen days before the execution of the contract for the
27 performance of work, may use the same financial assurance
28 instrument to comply with the provisions of this section. Before

1 such financial assurance instrument is approved by the awarding
2 entity, the director of revenue shall be satisfied that such
3 financial assurance instrument is sufficient to cover all taxes
4 imposed by this state and the director shall so notify the
5 awarding entity of the decision within the fourteen days prior to
6 the execution of the contract. Failure to do so by the director
7 shall waive any right to disapprove such financial assurance
8 instrument. Before a financial assurance instrument is released
9 by the entity awarding the contract, a tax clearance shall be
10 obtained from the director of revenue that such transient
11 employer has faithfully complied with all the tax laws of this
12 state.

13 5. Every transient employer shall certify to the director
14 of revenue that such employer has sufficient workers'
15 compensation insurance either through a self-insurance program or
16 a policy of workers' compensation insurance issued by an approved
17 workers' compensation carrier. The self-insurance program shall
18 be approved by the division of workers' compensation pursuant to
19 section 287.280. The insurance policy shall be in a contract
20 form approved by the department of insurance, financial
21 institutions and professional registration.

22 6. In the event that liability upon the financial assurance
23 instrument thus filed by the transient employer shall be
24 discharged or reduced, whether by judgment rendered, payment made
25 or otherwise, or if in the opinion of the director of revenue any
26 surety on a bond theretofore given or financial institution shall
27 have become unsatisfactory or unacceptable, then the director of
28 revenue may require the employer to file a new financial

1 assurance instrument in the same form and amount. If such new
2 financial assurance instrument shall be furnished by such
3 employer as above provided, the director of revenue shall upon
4 satisfaction of any liability that has accrued, release the
5 surety on the old bond or financial institution issuing the
6 irrevocable letter of credit.

7 7. Any surety on any bond or financial institution issuing
8 an irrevocable letter of credit furnished by any transient
9 employer as provided in this section shall be released and
10 discharged from any and all liability to the state of Missouri
11 accruing on such bond or irrevocable letter of credit after the
12 expiration of sixty days from the date upon which such surety or
13 financial institution shall have lodged with the director of
14 revenue a written request to be released and discharged; but the
15 request shall not operate to relieve, release or discharge such
16 surety or financial institution from any liability already
17 accrued or which shall accrue during and before the expiration of
18 said sixty-day period. The director of revenue shall promptly on
19 receipt of notice of such request notify the employer who
20 furnished such bond or irrevocable letter of credit and such
21 employer shall on or before the expiration of such sixty-day
22 period file with the director of revenue a new financial
23 assurance instrument satisfactory to the director of revenue in
24 the amount and form provided in this section.

25 8. Notwithstanding the limitation as to the amount of any
26 financial assurance instrument fixed by this section, if a
27 transient employer becomes delinquent in the payment of any tax
28 or tenders a check in payment of tax which check is returned

1 unpaid because of insufficient funds, the director may demand an
2 additional instrument of such employer in an amount necessary, in
3 the judgment of the director, to protect the revenue of the
4 state. The penal sum of the additional instrument and the
5 instrument furnished under the provisions of the law requiring
6 such instrument may not exceed two quarters' estimated tax
7 liability.

8 9. For any period when a transient employer fails to meet
9 the requirements of this section, there shall be added to any
10 deficiency assessed against a transient employer, in addition to
11 any other addition, interest, and penalties, an amount equal to
12 twenty-five percent of the deficiency.

13 10. A taxpayer commits the crime of failure to file a
14 financial assurance instrument if he knowingly fails to comply
15 with the provisions of this section.

16 11. Failure to file a financial assurance instrument is a
17 class A misdemeanor. Pursuant to section 560.021, a corporation
18 found guilty of failing to file a financial assurance instrument
19 may be fined up to five thousand dollars or any higher amount not
20 exceeding twice the amount the employer profited from the
21 commission of the offense.

22 12. Failing to register with the department of revenue and
23 execute the financial assurance instrument herein provided, prior
24 to beginning the performance of any contract, shall prohibit the
25 employer from performing on such contract until he complies with
26 such requirements.

27 13. Each employer shall keep full and accurate records
28 clearly indicating the names, occupations, and crafts, if

1 applicable, of every person employed by him together with an
2 accurate record of the number of hours worked by each employee
3 and the actual wages paid. The payroll records required to be so
4 kept shall be open to inspection by any authorized representative
5 of the department of revenue at any reasonable time and as often
6 as may be necessary and such records shall not be destroyed or
7 removed from the state for a period of one year following the
8 completion of the contract in connection with which the records
9 are made.

10 14. The entering into of any contract for the performance
11 of work in the state of Missouri by any such employer shall be
12 deemed to constitute an appointment of the secretary of state as
13 registered agent of such employer for purposes of accepting
14 service of any process, or of any notice or demand required or
15 permitted by law. The service of any such process, notice or
16 demand, when served on the secretary of state shall have the same
17 legal force and validity as if served upon the employer
18 personally within the state.

19 15. In addition, any employer who fails to file a financial
20 assurance instrument as required by this section shall be
21 prohibited from contracting for or performing labor on any public
22 works project in this state for a period of one year.

23 16. Whenever a transient employer ceases to engage in
24 activity within the state it shall be the duty of such transient
25 employer to notify the director of revenue in writing at least
26 ten days prior to the time the discontinuance takes effect.

27 17. The provisions of this section shall not apply to out-
28 of-state businesses operating under sections 190.270 to 190.285.

1 285.232. 1. Subject to the provisions of section 285.230,
2 any county, city, town, village or any other political
3 subdivision which requires a building permit for a person to
4 perform certain construction projects shall require a transient
5 employer to show proof that the employer has been issued a tax
6 clearance and has filed a financial assurance instrument as
7 required by section 285.230 before such entity issues a building
8 permit to the transient employer. If any transient employer
9 obtains a building permit without providing such proof, provides
10 a fraudulently obtained tax clearance or a fraudulent financial
11 assurance instrument or through any misrepresentation or any
12 other fraudulent act or in any way violates the provisions of
13 sections 285.230 to 285.234, the Missouri department of revenue
14 shall request a temporary restraining order or seek injunctive
15 relief to immediately prohibit further performance of work by the
16 transient employer on such contract or project. The court may
17 direct that any payments due such transient employer be equitably
18 distributed in satisfaction of the transient employer's
19 obligations pursuant to sections 285.230 to 285.234. Upon
20 issuance of such order by a court of competent jurisdiction, the
21 person for whom the work is being performed may engage another
22 contractor as provided by law or any provision of contract and
23 the person shall not be deemed to be in violation of the contract
24 with such transient employer removed by the court. Nothing in
25 this section shall be construed to create or constitute a
26 liability to or a cause of action against a city or county in
27 regard to the issuance of any license pursuant to this section.

28 2. Any contractor for private or public construction work

1 in this state which contracts with or otherwise engages a
2 subcontractor, which is deemed a transient employer as defined in
3 section 285.230, to perform any portion of such work, shall
4 require such subcontractor to show proof of having filed a
5 financial assurance instrument with the director of revenue as
6 required by section 285.230 and to show proof that the
7 subcontractor holds a current valid certificate of insurance for
8 workers' compensation coverage in this state, prior to the
9 subcontractor performing any work on the project. If the
10 subcontractor is self-insured for purposes of workers'
11 compensation, the contractor shall require proof that such self-
12 insurance by the subcontractor has been approved by the division
13 of workers' compensation. The contractor shall not allow the
14 subcontractor to perform on such contract until proof of
15 compliance as required by this section has been provided to the
16 contractor. If a subcontractor which is deemed to be a transient
17 employer has previously submitted proof of compliance as required
18 by this section to a state agency or political subdivision for
19 which the contract is being performed as a condition of being
20 qualified to perform work for such agency or political
21 subdivision, the general contractor shall not be required to
22 obtain the proofs required by this section. If at any time prior
23 to final payment to a subcontractor for work performed on a
24 project, a contractor is notified in writing by the director of
25 revenue or the director of the division of workers' compensation
26 that a subcontractor is in violation of sections 285.230 to
27 285.234, the contractor shall withhold all or part of any payment
28 to the subcontractor under the contract for payment in

1 satisfaction of the subcontractor's obligations as a transient
2 employer if so directed by the director of revenue or the
3 director of the division of workers' compensation. Any
4 contractor withholding payment and paying such funds in
5 satisfaction of the subcontractor's obligations as a transient
6 employer if so directed by the director of revenue or the
7 director of the division of workers' compensation. Any
8 contractor withholding payment and paying such funds in
9 satisfaction of the subcontractor's obligations as a transient
10 employer shall be deemed in compliance with the contract with the
11 subcontractor to the extent of the amount paid to fulfill such
12 obligation and with the laws of this state regarding timely
13 payment under construction contracts and shall not be subject to
14 any civil or criminal penalty for withholding such payment.

15 3. Notwithstanding the provision of section 32.057, the
16 Missouri department of revenue shall at least quarterly submit
17 for publication in the Missouri Register a list of construction
18 contractors performing work on construction projects in Missouri
19 who are known by the department to be deemed transient employers
20 pursuant to section 285.230. The department shall also update
21 such list monthly and make such list available upon request
22 without cost to any person.

23 4. The provisions of this section shall not apply to out-
24 of-state businesses operating under sections 190.270 to 190.285.

25 285.233. 1. Any transient employer, as defined in this
26 chapter, failing to conclusively show at any time that he has
27 complied with the provisions of section 285.230, relating to the
28 filing of a financial assurance instrument, shall, before

1 beginning performance on any contract made with a political
2 subdivision, deposit with that political subdivision an amount
3 equal to twenty percent of labor costs as specified in such
4 contract which will be held in escrow by the political
5 subdivision and payable only to the department of revenue, the
6 division of employment security or the division of workers'
7 compensation after the actual amount of tax liability is
8 determined. In the event that labor costs are not separately
9 stated in the contract, the amount to be held in escrow shall be
10 ten percent of the contract amount. Any amount remaining in the
11 escrow fund after payments are made shall be refunded to the
12 contractor. Failure of a political subdivision to properly
13 escrow funds required under this section will make it ineligible
14 to receive state funds for public works projects for a period of
15 one year from the date the infraction is discovered.

16 2. Any transient employer failing to conclusively show at
17 any time that he has complied with the provisions of section
18 285.230, relating to the filing of a financial assurance
19 instrument, shall, before beginning performance on any contract
20 made with a private entity deposit with that private entity an
21 amount equal to twenty percent of labor costs as specified in
22 such contract which will be held in escrow by the private entity
23 and payable only to the department of revenue, the division of
24 employment security or the division of workers' compensation
25 after the actual amount of tax liability is determined. In the
26 event that labor costs are not separately stated in the contract,
27 the amount to be held in escrow shall be ten percent of the
28 contract amount. Any amount remaining in the escrow fund after

1 payments are made shall be refunded to the contractor. Failure
2 of a private entity to properly escrow funds required under this
3 section shall make such entity liable for the full amount of the
4 state withholding, workers' compensation, and employment security
5 tax liability resulting from the transient employers' contract
6 with that private entity.

7 3. In addition to any other penalty, interest, or remedy
8 imposed by this section, any transient employer that fails to
9 post a financial assurance instrument or escrow funds as provided
10 for in this section shall be subject to a writ of attachment as
11 provided for in chapter 521 or any other injunctive relief
12 provided for by law.

13 4. The provisions of this section shall not apply to out-
14 of-state businesses or out-of-state employees operating under
15 sections 190.270 to 190.285.

16 285.234. 1. Every transient employer, as defined in
17 section 285.230 shall post in a prominent and easily accessible
18 place at the work site a clearly legible copy of the following:

19 (1) The notice of registration for employer withholding
20 issued to such transient employer by the director of revenue;

21 (2) Proof of coverage for workers' compensation insurance
22 or self-insurance signed by the transient employer and verified
23 by the department of revenue through the records of the division
24 of workers' compensation; and

25 (3) The notice of registration for unemployment insurance
26 issued to such transient employer by the division of employment
27 security.

28 2. Any transient employer failing to comply with the

1 provisions of this section shall be liable for a penalty of five
2 hundred dollars per day until the notices required by this
3 section are posted as provided by this section.

4 3. The provisions of this section shall not apply to out-
5 of-state businesses operating under sections 190.270 to 190.285.

6
7 ✓
8 _____
9

10
11
12 _____
13 Mike Parson Caleb Jones - 50