

SECOND REGULAR SESSION

SENATE BILL NO. 795

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 9, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4046S.03I

AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, and 238.410, RSMo, and to enact in lieu thereof sixty-seven new sections relating to the implementation of the streamlined sales and use tax agreement, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 2 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 3 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1713, 4 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 5 94.660, 94.705, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 6 144.069, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 7 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 8 144.1015, 221.407, 238.235, and 238.410, RSMo, are repealed and sixty-seven new 9 sections enacted in lieu thereof, to be known as sections 32.070, 32.086, 32.087, 10 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 11 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 12 67.1303, 67.1305, 67.1545, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 13 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.022, 144.030, 144.032, 14 144.040, 144.041, 144.042, 144.043, 144.049, 144.054, 144.080, 144.082, 144.083, 15 144.084, 144.100, 144.105, 144.110, 144.123, 144.124, 144.125, 144.140, 144.210, 144.212, 16 144.285, 144.526, 144.655, 144.710, 221.407, 238.235, and 238.410, to read as follows:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

32.070. 1. This act shall be known and may be cited as the
2 "Streamlined Sales and Use Tax Agreement Act".

3 2. (1) Beginning on January first following the effective date of
4 this act, all revenue generated under the streamlined sales and use tax
5 agreement act that exceeds the amount of revenue that would have
6 been collected if the streamlined sales and use tax agreement act were
7 not effective shall be deposited in the streamlined sales and use tax
8 agreement special fund created in this section and appropriated solely
9 for the approved purposes. The department of revenue shall track and
10 report the collections generated under this act.

11 (2) There is hereby created in the state treasury the "Streamlined
12 Sales and Use Tax Agreement Special Fund", which shall consist of
13 money collected under this subsection. The state treasurer shall be
14 custodian of the fund. In accordance with sections 30.170 and 30.180,
15 the state treasurer may approve disbursements. The fund shall be a
16 dedicated fund and, upon appropriation, money in the fund shall be
17 used solely to make payments to any person or entity providing child
18 care services to a child under section 208.046. Notwithstanding the
19 provisions of section 33.080 to the contrary, any moneys remaining in
20 the fund at the end of the biennium shall not revert to the credit of the
21 general revenue fund. The state treasurer shall invest moneys in the
22 fund in the same manner as other funds are invested. Any interest and
23 moneys earned on such investments shall be credited to the fund.

24 3. The director of the department of revenue shall enter into the
25 streamlined sales and use tax agreement with one or more states to
26 simplify and modernize sales and use tax administration in order to
27 substantially reduce the burden of tax compliance for all sellers and for
28 all types of commerce. In furtherance of the streamlined sales and use
29 tax agreement, the director of the department of revenue may act
30 jointly with other states that are members of the streamlined sales and
31 use tax agreement to establish standards for certification of a certified
32 service provider and certified automated system and establish
33 performance standards for multistate sellers.

34 4. The director of the department of revenue may take other
35 action reasonably required to implement the provisions set forth in the
36 streamlined sales and use tax administration act, including, but not
37 limited to, the promulgation of rules and the joint procurement, with
38 other member states, of goods and services in furtherance of the
39 streamlined sales and use tax agreement.

40 5. For the purposes of representing the state as a member of the
41 agreement and, if necessary, amending the agreement, the state shall
42 be represented by three delegates, one of whom shall be appointed by

43 the governor, one shall be a member of the general assembly appointed
44 by mutual agreement of the president pro tempore of the senate and
45 the speaker of the house of representatives, with the director of the
46 department of revenue or the director's designee as the third
47 delegate. The delegates shall recommend to the committees responsible
48 for reviewing tax issues in the senate and the house of representatives
49 each year any amendment of state statutes required to be substantially
50 in compliance with the agreement. Such delegates shall make a written
51 report by the fifteenth day of January each year regarding the status
52 of the agreement.

53 6. The department of revenue shall promulgate rules necessary
54 to implement the provisions of the streamlined sales and use tax
55 agreement.

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

32.087. 1. Within ten days after the adoption of any ordinance or order
2 in favor of adoption of any local sales tax authorized under the local sales tax law
3 by the voters of a taxing entity, the governing body or official of such taxing
4 entity shall forward to the director of revenue by United States registered mail
5 or certified mail a certified copy of the ordinance or order. The ordinance or order
6 shall reflect the effective date thereof.

7 2. Any local sales tax so adopted shall become effective on the first day
8 of the second calendar quarter after the director of revenue receives notice of
9 adoption of the local sales tax, except as provided in subsection [18] 17 of this
10 section, and shall be imposed on all transactions on which the Missouri state
11 sales tax is imposed.

12 3. Every retailer within the jurisdiction of one or more taxing entities
13 which has imposed one or more local sales taxes under the local sales tax law
14 shall add all taxes so imposed along with the tax imposed by the sales tax law of
15 the state of Missouri to the sale price and, when added, the combined tax shall
16 constitute a part of the price, and shall be a debt of the purchaser to the retailer
17 until paid, and shall be recoverable at law in the same manner as the purchase
18 price. The combined rate of the state sales tax and all local sales taxes shall be
19 the sum of the rates, multiplying the combined rate times the amount of the sale.

20 4. [The brackets required to be established by the director of revenue
21 under the provisions of section 144.285 shall be based upon the sum of the
22 combined rate of the state sales tax and all local sales taxes imposed under the
23 provisions of the local sales tax law.

24 5.] (1) The ordinance or order imposing a local sales tax under the local
25 sales tax law shall impose a tax upon all transactions upon which the Missouri
26 state sales tax is imposed to the extent and in the manner provided in sections
27 144.010 to 144.525, and the rules and regulations of the director of revenue
28 issued pursuant thereto; except that the rate of the tax shall be the sum of the
29 combined rate of the state sales tax or state highway use tax and all local sales
30 taxes imposed under the provisions of the local sales tax law.

31 (2) Notwithstanding any other provision of law to the contrary, local
32 taxing jurisdictions, except those in which voters have previously approved a local
33 use tax under section 144.757, shall have placed on the ballot on or after the
34 general election in November 2014, but no later than the general election in
35 November 2016, whether to repeal application of the local sales tax to the titling
36 of motor vehicles, trailers, boats, and outboard motors that are subject to state
37 sales tax under section 144.020 and purchased from a source other than a
38 licensed Missouri dealer. The ballot question presented to the local voters shall
39 contain substantially the following language:

40 Shall the (local jurisdiction's name) discontinue applying and
41 collecting the local sales tax on the titling of motor vehicles, trailers, boats, and
42 outboard motors that were purchased from a source other than a licensed
43 Missouri dealer?

44 Approval of this measure will result in a reduction of local revenue to provide for
45 vital services for (local jurisdiction's name) and it will place Missouri
46 dealers of motor vehicles, outboard motors, boats, and trailers at a competitive
47 disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats,
48 and trailers.

49 YES NO

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

52 (3) If the ballot question set forth in subdivision (2) of this subsection
53 receives a majority of the votes cast in favor of the proposal, or if the local taxing
54 jurisdiction fails to place the ballot question before the voters on or before the
55 general election in November 2016, the local taxing jurisdiction shall cease
56 applying the local sales tax to the titling of motor vehicles, trailers, boats, and
57 outboard motors that were purchased from a source other than a licensed
58 Missouri dealer.

59 (4) In addition to the requirement that the ballot question set forth in
60 subdivision (2) of this subsection be placed before the voters, the governing body
61 of any local taxing jurisdiction that had previously imposed a local use tax on the

62 use of motor vehicles, trailers, boats, and outboard motors may, at any time, place
63 a proposal on the ballot at any election to repeal application of the local sales tax
64 to the titling of motor vehicles, trailers, boats, and outboard motors purchased
65 from a source other than a licensed Missouri dealer.

66 If a majority of the votes cast by the registered voters voting thereon are in favor
67 of the proposal to repeal application of the local sales tax to such titling, then the
68 local sales tax shall no longer be applied to the titling of motor vehicles, trailers,
69 boats, and outboard motors purchased from a source other than a licensed
70 Missouri dealer. If a majority of the votes cast by the registered voters voting
71 thereon are opposed to the proposal to repeal application of the local sales tax to
72 such titling, such application shall remain in effect.

73 (5) In addition to the requirement that the ballot question set forth in
74 subdivision (2) of this subsection be placed before the voters on or after the
75 general election in November 2014, and on or before the general election in
76 November 2016, whenever the governing body of any local taxing jurisdiction
77 imposing a local sales tax on the sale of motor vehicles, trailers, boats, and
78 outboard motors receives a petition, signed by fifteen percent of the registered
79 voters of such jurisdiction voting in the last gubernatorial election, and calling
80 for a proposal to be placed on the ballot at any election to repeal application of
81 the local sales tax to the titling of motor vehicles, trailers, boats, and outboard
82 motors purchased from a source other than a licensed Missouri dealer, the
83 governing body shall submit to the voters of such jurisdiction a proposal to repeal
84 application of the local sales tax to such titling. If a majority of the votes cast by
85 the registered voters voting thereon are in favor of the proposal to repeal
86 application of the local sales tax to such titling, then the local sales tax shall no
87 longer be applied to the titling of motor vehicles, trailers, boats, and outboard
88 motors purchased from a source other than a licensed Missouri dealer. If a
89 majority of the votes cast by the registered voters voting thereon are opposed to
90 the proposal to repeal application of the local sales tax to such titling, such
91 application shall remain in effect.

92 (6) Nothing in this subsection shall be construed to authorize the voters
93 of any jurisdiction to repeal application of any state sales or use tax.

94 (7) If any local sales tax on the titling of motor vehicles, trailers, boats,
95 and outboard motors purchased from a source other than a licensed Missouri
96 dealer is repealed, such repeal shall take effect on the first day of the second
97 calendar quarter after the election. If any local sales tax on the titling of motor
98 vehicles, trailers, boats, and outboard motors purchased from a source other than
99 a licensed Missouri dealer is required to cease to be applied or collected due to
100 failure of a local taxing jurisdiction to hold an election pursuant to subdivision
101 (2) of this subsection, such cessation shall take effect on March 1, 2017.

102 [6.] 5. On and after the effective date of any local sales tax imposed
103 under the provisions of the local sales tax law, the director of revenue shall

104 perform all functions incident to the administration, collection, enforcement, and
105 operation of the tax, and the director of revenue shall collect in addition to the
106 sales tax for the state of Missouri all additional local sales taxes authorized under
107 the authority of the local sales tax law. All local sales taxes imposed under the
108 local sales tax law together with all taxes imposed under the sales tax law of the
109 state of Missouri shall be collected together and reported upon such forms and
110 under such administrative rules and regulations as may be prescribed by the
111 director of revenue.

112 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525
113 governing the state sales tax and section 32.057, the uniform confidentiality
114 provision, shall apply to the collection of any local sales tax imposed under the
115 local sales tax law except as modified by the local sales tax law.

116 [8.] 7. All exemptions granted to agencies of government, organizations,
117 persons and to the sale of certain articles and items of tangible personal property
118 and taxable services under the provisions of sections 144.010 to 144.525, as these
119 sections now read and as they may hereafter be amended, it being the intent of
120 this general assembly to ensure that the same sales tax exemptions granted from
121 the state sales tax law also be granted under the local sales tax law, are hereby
122 made applicable to the imposition and collection of all local sales taxes imposed
123 under the local sales tax law.

124 [9.] 8. The same sales tax permit, exemption certificate and retail
125 certificate required by sections 144.010 to 144.525 for the administration and
126 collection of the state sales tax shall satisfy the requirements of the local sales
127 tax law, and no additional permit or exemption certificate or retail certificate
128 shall be required; except that the director of revenue may prescribe a form of
129 exemption certificate for an exemption from any local sales tax imposed by the
130 local sales tax law.

131 [10.] 9. All discounts allowed the retailer under the provisions of the
132 state sales tax law for the collection of and for payment of taxes under the
133 provisions of the state sales tax law are hereby allowed and made applicable to
134 any local sales tax collected under the provisions of the local sales tax law.

135 [11.] 10. The penalties provided in section 32.057 and sections 144.010
136 to 144.525 for a violation of the provisions of those sections are hereby made
137 applicable to violations of the provisions of the local sales tax law.

138 [12. (1)] 11. For the purposes of any local sales tax imposed by an
139 ordinance or order under the local sales tax law, all sales[, except the sale of
140 motor vehicles, trailers, boats, and outboard motors required to be titled under
141 the laws of the state of Missouri, shall be deemed to be consummated at the place
142 of business of the retailer unless the tangible personal property sold is delivered
143 by the retailer or his agent to an out-of-state destination. In the event a retailer
144 has more than one place of business in this state which participates in the sale,
145 the sale shall be deemed to be consummated at the place of business of the

146 retailer where the initial order for the tangible personal property is taken, even
147 though the order must be forwarded elsewhere for acceptance, approval of credit,
148 shipment or billing. A sale by a retailer's agent or employee shall be deemed to
149 be consummated at the place of business from which he works.

150 (2) For the purposes of any local sales tax imposed by an ordinance or
151 order under the local sales tax law, the sales tax upon the titling of all motor
152 vehicles, trailers, boats, and outboard motors shall be imposed at the rate in
153 effect at the location of the residence of the purchaser, and remitted to that local
154 taxing entity, and not at the place of business of the retailer, or the place of
155 business from which the retailer's agent or employee works.

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

161 [13.] **12.** Local sales taxes shall not be imposed on the seller of motor
162 vehicles, trailers, boats, and outboard motors required to be titled under the laws
163 of the state of Missouri, but shall be collected from the purchaser by the director
164 of revenue at the time application is made for a certificate of title, if the address
165 of the applicant is within a taxing entity imposing a local sales tax under the
166 local sales tax law.

167 [14.] **13.** The director of revenue and any of his deputies, assistants and
168 employees who have any duties or responsibilities in connection with the
169 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
170 or recording of funds which come into the hands of the director of revenue under
171 the provisions of the local sales tax law shall enter a surety bond or bonds
172 payable to any and all taxing entities in whose behalf such funds have been
173 collected under the local sales tax law in the amount of one hundred thousand
174 dollars for each such tax; but the director of revenue may enter into a blanket
175 bond covering himself and all such deputies, assistants and employees. The cost
176 of any premium for such bonds shall be paid by the director of revenue from the
177 share of the collections under the sales tax law retained by the director of
178 revenue for the benefit of the state.

179 [15.] **14.** The director of revenue shall annually report on his
180 management of each trust fund which is created under the local sales tax law and
181 administration of each local sales tax imposed under the local sales tax law. He
182 shall provide each taxing entity imposing one or more local sales taxes authorized
183 by the local sales tax law with a detailed accounting of the source of all funds
184 received by him for the taxing entity. Notwithstanding any other provisions of
185 law, the state auditor shall annually audit each trust fund. A copy of the
186 director's report and annual audit shall be forwarded to each taxing entity
187 imposing one or more local sales taxes.

188 [16.] **15.** Within the boundaries of any taxing entity where one or more
189 local sales taxes have been imposed, if any person is delinquent in the payment
190 of the amount required to be paid by him under the local sales tax law or in the
191 event a determination has been made against him for taxes and penalty under
192 the local sales tax law, the limitation for bringing suit for the collection of the
193 delinquent tax and penalty shall be the same as that provided in sections 144.010
194 to 144.525. Where the director of revenue has determined that suit must be filed
195 against any person for the collection of delinquent taxes due the state under the
196 state sales tax law, and where such person is also delinquent in payment of taxes
197 under the local sales tax law, the director of revenue shall notify the taxing entity
198 in the event any person fails or refuses to pay the amount of any local sales tax
199 due so that appropriate action may be taken by the taxing entity.

200 [17.] **16.** Where property is seized by the director of revenue under the
201 provisions of any law authorizing seizure of the property of a taxpayer who is
202 delinquent in payment of the tax imposed by the state sales tax law, and where
203 such taxpayer is also delinquent in payment of any tax imposed by the local sales
204 tax law, the director of revenue shall permit the taxing entity to join in any sale
205 of property to pay the delinquent taxes and penalties due the state and to the
206 taxing entity under the local sales tax law. The proceeds from such sale shall
207 first be applied to all sums due the state, and the remainder, if any, shall be
208 applied to all sums due such taxing entity.

209 [18.] **17.** If a local sales tax has been in effect for at least one year under
210 the provisions of the local sales tax law and voters approve reimposition of the
211 same local sales tax at the same rate at an election as provided for in the local
212 sales tax law prior to the date such tax is due to expire, the tax so reimposed
213 shall become effective the first day of the first calendar quarter after the director
214 receives a certified copy of the ordinance, order or resolution accompanied by a
215 map clearly showing the boundaries thereof and the results of such election,
216 provided that such ordinance, order or resolution and all necessary accompanying
217 materials are received by the director at least thirty days prior to the expiration
218 of such tax. Any administrative cost or expense incurred by the state as a result
219 of the provisions of this subsection shall be paid by the city or county reimposing
220 such tax.

221 **18.** If the boundaries of a city in which a sales tax has been
222 imposed shall thereafter be changed or altered, the city clerk shall
223 forward to the director of revenue by United States registered mail or
224 certified mail a certified copy of the ordinance adding or detaching
225 territory from the city within ten days of adoption of the
226 ordinance. The ordinance shall reflect the effective date of the
227 ordinance and shall be accompanied by a map of the city clearly
228 showing the territory added or detached from the city
229 boundaries. Upon receipt of the ordinance and map, the tax imposed

230 **under the local sales tax law shall be effective in the added territory or**
231 **abolished in the detached territory on the first day of a calendar**
232 **quarter after one hundred twenty days' notice to sellers.**

233 **19. Any change to any local sales tax boundary or rate shall be**
234 **effective on the first day of a calendar quarter after one hundred**
235 **twenty days' notice to sellers.**

66.620. 1. All county sales taxes collected by the director of revenue
2 under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost
3 of collection which shall be deposited in the state's general revenue fund after
4 payment of premiums for surety bonds as provided in section 32.087,] shall be
5 deposited in a special trust fund, which is hereby created, to be known as the
6 "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund
7 shall not be deemed to be state funds and shall not be commingled with any funds
8 of the state.] The director of revenue shall keep accurate records of the amount
9 of money in the trust fund which was collected in each county imposing a county
10 sales tax, and the records shall be open to the inspection of officers of the county
11 and the public. Not later than the tenth day of each month, the director of
12 revenue shall distribute all moneys deposited in the trust fund during the
13 preceding month to the county which levied the tax; such funds shall be deposited
14 with the county treasurer of the county and all expenditures of funds arising from
15 the county sales tax trust fund shall be by an appropriation act to be enacted by
16 the legislative council of the county, and to the cities, towns and villages located
17 wholly or partly within the county which levied the tax in the manner as set forth
18 in sections 66.600 to 66.630.

19 2. In any county not adopting an additional sales tax and alternate
20 distribution system as provided in section 67.581, for the purposes of distributing
21 the county sales tax, the county shall be divided into two groups, "Group A" and
22 "Group B". Group A shall consist of all cities, towns and villages which are
23 located wholly or partly within the county which levied the tax and which had a
24 city sales tax in effect under the provisions of sections 94.500 to 94.550 on the
25 day prior to the adoption of the county sales tax ordinance, except that beginning
26 January 1, 1980, group A shall consist of all cities, towns and villages which are
27 located wholly or partly within the county which levied the tax and which had a
28 city sales tax approved by the voters of such city under the provisions of sections
29 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For
30 the purposes of determining the location of consummation of sales for distribution
31 of funds to cities, towns and villages in group A, the boundaries of any such city,
32 town or village shall be the boundary of that city, town or village as it existed on
33 March 19, 1984. Group B shall consist of all cities, towns and villages which are
34 located wholly or partly within the county which levied the tax and which did not
35 have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on
36 the day prior to the adoption of the county sales tax ordinance, and shall also

37 include all unincorporated areas of the county which levied the tax; except that,
38 beginning January 1, 1980, group B shall consist of all cities, towns and villages
39 which are located wholly or partly within the county which levied the tax and
40 which did not have a city sales tax approved by the voters of such city under the
41 provisions of sections 94.500 to 94.550 on the day prior to the effective date of the
42 county sales tax and shall also include all unincorporated areas of the county
43 which levied the tax.

44 3. Until January 1, 1994, the director of revenue shall distribute to the
45 cities, towns and villages in group A the taxes based on the location in which the
46 sales were deemed consummated under section 66.630 and subsection 12 of
47 section 32.087. Except for distribution governed by section 66.630, after
48 deducting the distribution to the cities, towns and villages in group A, the
49 director of revenue shall distribute the remaining funds in the county sales tax
50 trust fund to the cities, towns and villages and the county in group B as follows:
51 To the county which levied the tax, a percentage of the distributable revenue
52 equal to the percentage ratio that the population of the unincorporated areas of
53 the county bears to the total population of group B; and to each city, town or
54 village in group B located wholly within the taxing county, a percentage of the
55 distributable revenue equal to the percentage ratio that the population of such
56 city, town or village bears to the total population of group B; and to each city,
57 town or village located partly within the taxing county, a percentage of the
58 distributable revenue equal to the percentage ratio that the population of that
59 part of the city, town or village located within the taxing county bears to the total
60 population of group B.

61 4. From and after January 1, 1994, the director of revenue shall distribute
62 to the cities, towns and villages in group A a portion of the taxes based on the
63 location in which the sales were deemed consummated under section 66.630 and
64 subsection 12 of section 32.087 in accordance with the formula described in this
65 subsection. After deducting the distribution to the cities, towns and villages in
66 group A, the director of revenue shall distribute funds in the county sales tax
67 trust fund to the cities, towns and villages and the county in group B as follows:
68 To the county which levied the tax, ten percent multiplied by the percentage of
69 the population of unincorporated county which has been annexed or incorporated
70 since April 1, 1993, multiplied by the total of all sales tax revenues countywide,
71 and a percentage of the remaining distributable revenue equal to the percentage
72 ratio that the population of unincorporated areas of the county bears to the total
73 population of group B; and to each city, town or village in group B located wholly
74 within the taxing county, a percentage of the remaining distributable revenue
75 equal to the percentage ratio that the population of such city, town or village
76 bears to the total population of group B; and to each city, town or village located
77 partly within the taxing county, a percentage of the remaining distributable
78 revenue equal to the percentage ratio that the population of that part of the city,

79 town or village located within the taxing county bears to the total population of
80 group B.

81 5. (1) For purposes of administering the distribution formula of
82 subsection 4 of this section, the revenues arising each year from sales occurring
83 within each group A city, town or village shall be distributed as follows: Until
84 such revenues reach the adjusted county average, as hereinafter defined, there
85 shall be distributed to the city, town or village all of such revenues reduced by
86 the percentage which is equal to ten percent multiplied by the percentage of the
87 population of unincorporated county which has been annexed or incorporated
88 after April 1, 1993; and once revenues exceed the adjusted county average, total
89 revenues shall be shared in accordance with the redistribution formula as defined
90 in this subsection.

91 (2) For purposes of this subsection, the "adjusted county average" is the
92 per capita countywide average of all sales tax distributions during the prior
93 calendar year reduced by the percentage which is equal to ten percent multiplied
94 by the percentage of the population of unincorporated county which has been
95 annexed or incorporated after April 1, 1993; the "redistribution formula" is as
96 follows: During 1994, each group A city, town and village shall receive that
97 portion of the revenues arising from sales occurring within the municipality that
98 remains after deducting therefrom an amount equal to the cumulative sales tax
99 revenues arising from sales within the municipality multiplied by the percentage
100 which is the sum of ten percent multiplied by the percentage of the population of
101 unincorporated county which has been annexed or incorporated after April 1,
102 1993, and the percentage, if greater than zero, equal to the product of 8.5
103 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the
104 total of cumulative per capita sales taxes arising from sales within the
105 municipality less the adjusted county average. During 1995, each group A city,
106 town and village shall receive that portion of the revenues arising from sales
107 occurring within the municipality that remains after deducting therefrom an
108 amount equal to the cumulative sales tax revenues arising from sales within the
109 municipality multiplied by the percentage which is the sum of ten percent
110 multiplied by the percentage of the population of unincorporated county which
111 has been annexed or incorporated after April 1, 1993, and the percentage, if
112 greater than zero, equal to the product of seventeen multiplied by the logarithm
113 (to base 10) of the product of 0.035 multiplied by the total of cumulative per
114 capita sales taxes arising from sales within the municipality less the adjusted
115 county average. From January 1, 1996, until January 1, 2000, each group A city,
116 town and village shall receive that portion of the revenues arising from sales
117 occurring within the municipality that remains after deducting therefrom an
118 amount equal to the cumulative sales tax revenues arising from sales within the
119 municipality multiplied by the percentage which is the sum of ten percent
120 multiplied by the percentage of the population of unincorporated county which

121 has been annexed or incorporated after April 1, 1993, and the percentage, if
122 greater than zero, equal to the product of 25.5 multiplied by the logarithm (to
123 base 10) of the product of 0.035 multiplied by the total of cumulative per capita
124 sales taxes arising from sales within the municipality less the adjusted county
125 average. From and after January 1, 2000, the distribution formula covering the
126 period from January 1, 1996, until January 1, 2000, shall continue to apply,
127 except that the percentage computed for sales arising within the municipalities
128 shall be not less than 7.5 percent for municipalities within which sales tax
129 revenues exceed the adjusted county average, nor less than 12.5 percent for
130 municipalities within which sales tax revenues exceed the adjusted county
131 average by at least twenty-five percent.

132 (3) For purposes of applying the redistribution formula to a municipality
133 which is partly within the county levying the tax, the distribution shall be
134 calculated alternately for the municipality as a whole, except that the factor for
135 annexed portion of the county shall not be applied to the portion of the
136 municipality which is not within the county levying the tax, and for the portion
137 of the municipality within the county levying the tax. Whichever calculation
138 results in the larger distribution to the municipality shall be used.

139 (4) Notwithstanding any other provision of this section, the fifty percent
140 of additional sales taxes as described in section 99.845 arising from economic
141 activities within the area of a redevelopment project established after July 12,
142 1990, pursuant to sections 99.800 to 99.865, while tax increment financing
143 remains in effect shall be deducted from all calculations of countywide sales
144 taxes, shall be distributed directly to the municipality involved, and shall be
145 disregarded in calculating the amounts distributed or distributable to the
146 municipality. Further, any agreement, contract or covenant entered into prior to
147 July 12, 1990, between a municipality and any other political subdivision which
148 provides for an appropriation of incremental sales tax revenues to the special
149 allocation fund of a tax increment financing project while tax increment financing
150 remains in effect shall continue to be in full force and effect and the sales taxes
151 so appropriated shall be deducted from all calculations of countywide sales taxes,
152 shall be distributed directly to the municipality involved, and shall be
153 disregarded in calculating the amounts distributed or distributable to the
154 municipality. In addition, and notwithstanding any other provision of this
155 chapter to the contrary, economic development funds shall be distributed in full
156 to the municipality in which the sales producing them were deemed
157 consummated. Additionally, economic development funds shall be deducted from
158 all calculations of countywide sales taxes and shall be disregarded in calculating
159 the amounts distributed or distributable to the municipality. As used in this
160 subdivision, the term "economic development funds" means the amount of sales
161 tax revenue generated in any fiscal year by projects authorized pursuant to
162 chapter 99 or chapter 100 in connection with which such sales tax revenue was

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

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first

205 day of July of the year in which the transferring ordinance is adopted, then
206 distribution to such city as a part of its former group shall cease and as a part of
207 its new group shall begin the first day of July of the year following such
208 notification to the director of revenue. Once a group A city, town or village
209 becomes a part of group B, such city may not transfer back to group A.

210 7. If any city, town or village shall hereafter change or alter its
211 boundaries, the city clerk of the municipality shall forward to the director of
212 revenue, by registered mail, a certified copy of the ordinance adding or detaching
213 territory from the municipality. The ordinance shall reflect the effective date
214 thereof, and shall be accompanied by a map of the municipality clearly showing
215 the territory added thereto or detached therefrom. Upon receipt of the ordinance
216 and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and
217 allocated in accordance with the provisions of this section on the effective date of
218 the change of the municipal boundary so that the proper percentage of group B
219 distributable revenue is allocated to the municipality in proportion to any
220 annexed territory. If any area of the unincorporated county elects to incorporate
221 subsequent to the effective date of the county sales tax as set forth in sections
222 66.600 to 66.630, the newly incorporated municipality shall remain a part of
223 group B. The city clerk of such newly incorporated municipality shall forward to
224 the director of revenue, by registered mail, a certified copy of the incorporation
225 election returns and a map of the municipality clearly showing the boundaries
226 thereof. The certified copy of the incorporation election returns shall reflect the
227 effective date of the incorporation. Upon receipt of the incorporation election
228 returns and map, the tax imposed by sections 66.600 to 66.630 shall be
229 distributed and allocated in accordance with the provisions of this section on the
230 effective date of the incorporation.

231 8. The director of revenue may authorize the state treasurer to make
232 refunds from the amounts in the trust fund and credited to any county for
233 erroneous payments and overpayments made, and may redeem dishonored checks
234 and drafts deposited to the credit of such counties. If any county abolishes the
235 tax, the county shall notify the director of revenue of the action at least ninety
236 days prior to the effective date of the repeal and the director of revenue may
237 order retention in the trust fund, for a period of one year, of two percent of the
238 amount collected after receipt of such notice to cover possible refunds or
239 overpayment of the tax and to redeem dishonored checks and drafts deposited to
240 the credit of such accounts. After one year has elapsed after the effective date of
241 abolition of the tax in such county, the director of revenue shall remit the balance
242 in the account to the county and close the account of that county. The director
243 of revenue shall notify each county of each instance of any amount refunded or
244 any check redeemed from receipts due the county.

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

247 to 66.630.

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

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

33 3. Except as modified in sections 67.391 to 67.395, all provisions of
34 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections
35 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue
2 under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost
3 of collection, which shall be deposited in the state's general revenue fund after
4 payment of premiums for surety bonds as provided in section 32.087,] shall be
5 deposited with the state treasurer in a county sales tax trust fund, which fund
6 shall be separate and apart from the county sales tax trust fund established by

7 section 66.620. [The moneys in such county sales tax trust fund shall not be
8 deemed to be state funds and shall not be commingled with any funds of the
9 state.] The director of revenue shall keep accurate records of the amount of
10 money in the trust fund which was collected in each county imposing a county
11 sales tax, and the records shall be open to the inspection of officers of the county
12 and to the public. Not later than the tenth day of each month the director of
13 revenue shall distribute all moneys deposited in the trust fund during the
14 preceding month by distributing to the county treasurer, or such other officer as
15 may be designated by the county ordinance or order, of each county imposing the
16 tax authorized by sections 67.500 to 67.545, the sum due the county as certified
17 by the director of revenue.

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

33 3. Except as modified in sections 67.500 to 67.545, all provisions of
34 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections
35 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with
2 a population of more than eighty-two thousand inhabitants and less than ninety
3 thousand inhabitants may, in addition to any tourism sales tax imposed pursuant
4 to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding
5 of museums and festivals. For purposes of this section, the term "funding of
6 museums and festivals" shall mean:

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

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

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

14 form:

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

18 YES

NO

19 3. If a majority of the votes cast on the proposal by the qualified voters
20 voting thereon are in favor of the proposal, and the tax takes effect pursuant to
21 this section, the museums and festivals board appointed pursuant to subsection
22 5 of this section shall determine in what manner the tax revenue moneys will be
23 expended, and disbursements of these moneys shall be made strictly in
24 accordance with directions of the board which are consistent with the provisions
25 of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for
26 the employment of personnel selected by the board to assist in carrying out the
27 duties of the board, and the board is expressly authorized to employ such
28 personnel. Expenditures of these tax moneys may be made directly to
29 corporations pursuant to subsection 1 of this section. No such tax revenue
30 moneys shall be disbursed to or on behalf of any corporation, organization or
31 entity that is not duly registered with the Internal Revenue Service as a 501(C)(3)
32 organization.

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

37 5. The governing body of any county which imposes a sales tax pursuant
38 to this section may establish a museums and festivals board for the purpose of
39 expending funds collected from any sales tax submitted and approved by the
40 county's voters pursuant to this section. The board shall be comprised of six
41 members who are appointed by the governing body of the county from a list of
42 candidates supplied by the chair of each of the two major political parties of the
43 county. The board shall be comprised of three members from each of the two
44 political parties. Members shall serve for three-year terms, but of the members
45 first appointed, one shall be appointed for a term of one year, two shall be
46 appointed for a term of two years, and two shall be appointed for a term of three
47 years. Each member shall be a resident of the county from which he or she is
48 appointed. The members of the board shall not receive compensation for service
49 on the board, but shall be reimbursed from the tax revenue money for any
50 reasonable and necessary expenses incurred in service on the board.

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

56 7. In counties imposing a tax under the provisions of sections 67.571 to
57 67.577, in order to permit sellers required to collect and report the sales tax to
58 collect the amount required to be reported and remitted, but not to change the
59 requirements of reporting or remitting the tax, or to serve as a levy of the tax,
60 and in order to avoid fractions of pennies, the governing body may authorize the
61 use of a bracket system similar to that authorized by the provisions of section
62 144.285, and notwithstanding the provisions of that section, this new bracket
63 system shall be used where this tax is imposed and shall apply to all taxable
64 transactions.

65 **8. Except as modified in this section, all provisions of sections**
66 **32.085 to 32.087 shall apply to the tax imposed under this section.**

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

3 (1) All applicable provisions contained in sections 144.010 to 144.510
4 governing the state sales tax and section 32.057, the uniform confidentiality
5 provision, shall apply to the collection of the tax imposed by the provisions of
6 sections 67.571 to 67.577;

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

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

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

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

24 5. [For the purposes of the sales tax imposed by an order pursuant to
25 sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at
26 the place of business of the retailer] **Except as provided in sections 67.571**
27 **to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the**
28 **tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third
2 classification without a township form of government and with more than sixteen
3 thousand four hundred but less than sixteen thousand five hundred inhabitants

4 may impose a sales tax in an amount not to exceed one-fifth of one percent on all
5 retail sales made in the county which are subject to taxation pursuant to sections
6 144.010 to 144.525, to be used solely for the funding of museums. For purposes
7 of this section, the term "museums" means museums operating in the county,
8 which are registered with the United States Internal Revenue Service as a
9 501(c)(3) corporation and which are considered by the board to be a tourism
10 attraction. The tax authorized by this section shall be in addition to any and all
11 other sales taxes allowed by law, except that no sales tax shall be imposed
12 pursuant to this section unless the governing authority submits to the voters of
13 the county, at a county or state general, primary, or special election, a proposal
14 to authorize the governing authority to impose the tax.

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

17 Shall the county of (insert the name of the county) impose a sales
18 tax of (insert rate of percent) percent for the funding of museums?
19 "Museums" means museums operating in the county, which are registered with
20 the United States Internal Revenue Service as a 501(c)(3) corporation and which
21 are considered by the museum board to be a tourism attraction.

22 YES NO

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

25 If a majority of the votes cast on the proposal by the qualified voters voting
26 thereon are in favor of the proposal, then the sales tax shall become effective on
27 the first day of the second calendar quarter after the director of revenue receives
28 notice of the adoption of the tax. If the proposal receives less than the required
29 majority of votes, then the governing authority shall have no power to impose the
30 tax unless and until the governing authority has again submitted another
31 proposal to authorize the governing authority to impose the sales tax authorized
32 by this section and such proposal is approved by the required majority of the
33 qualified voters voting thereon.

34 3. On or after the effective date of the tax, the director of revenue shall
35 be responsible for the administration, collection, enforcement, and operation of
36 the tax, and sections 32.085 [and] to 32.087 shall apply. The director may retain
37 an amount not to exceed one percent for deposit in the general revenue fund to
38 offset the costs of collection. In order to permit sellers required to collect and
39 report the sales tax to collect the amount required to be reported and remitted,
40 but not to change the requirements of reporting or remitting the tax, or to serve
41 as a levy of the tax, and in order to avoid fractions of pennies, the governing
42 authority may authorize the use of a bracket system similar to that authorized
43 in section 144.285, and notwithstanding the provisions of that section, this new
44 bracket system shall be used where this tax is imposed and shall apply to all
45 taxable transactions.

46 Beginning with the effective date of the tax, every retailer in the county shall add
47 the sales tax to the sale price, and this tax shall be a debt of the purchaser to the
48 retailer until paid, and shall be recoverable at law in the same manner as the
49 purchase price. For purposes of this section, all retail sales shall be deemed to
50 be consummated at the place of business of the retailer.

51 4. All applicable provisions in sections 144.010 to 144.525 governing the
52 state sales tax, and section 32.057, the uniform confidentiality provision, shall
53 apply to the collection of the tax, and all exemptions granted to agencies of
54 government, organizations, and persons pursuant to sections 144.010 to 144.525
55 are hereby made applicable to the imposition and collection of the tax. The same
56 sales tax permit, exemption certificate, and retail certificate required by sections
57 144.010 to 144.525 for the administration and collection of the state sales tax
58 shall satisfy the requirements of this section, and no additional permit or
59 exemption certificate or retail certificate shall be required; except that, the
60 director of revenue may prescribe a form of exemption certificate for an exemption
61 from the tax. All discounts allowed the retailer pursuant to the state sales tax
62 law for the collection of and for payment of taxes are hereby allowed and made
63 applicable to the tax. The penalties for violations provided in section 32.057 and
64 sections 144.010 to 144.525 are hereby made applicable to violations of this
65 section. If any person is delinquent in the payment of the amount required to be
66 paid pursuant to this section, or in the event a determination has been made
67 against the person for taxes and penalty pursuant to this section, the limitation
68 for bringing suit for the collection of the delinquent tax and penalty shall be the
69 same as that provided in sections 144.010 to 144.525.

70 5. The governing authority may authorize any museum board already
71 existing in the county, or may establish a museum board, to expend revenue
72 collected pursuant to this section. In the event that no museum board already
73 exists, the board established pursuant to this section shall consist of six members
74 who are appointed by the governing authority from a list of candidates supplied
75 by the chair of each of the two major political parties of the county, with three
76 members from each of the two parties. Members shall serve for three-year terms,
77 but of the members first appointed, ~~[one]~~ **two** shall be appointed for a term of
78 one year, two shall be appointed for a term of two years, and two shall be
79 appointed for a term of three years. Each member shall be a resident of the
80 county. The members shall not receive compensation for service on the board, but
81 shall be reimbursed from the revenues collected pursuant to this section for any
82 reasonable and necessary expenses incurred in service on the board. The board
83 shall determine in what manner the revenues will be expended, and
84 disbursements of these moneys shall be made strictly in accordance with this
85 section. Expenditures may be made for the employment of personnel selected by
86 the board to assist in carrying out the duties of the board, and the board is
87 expressly authorized to employ such personnel.

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

92 Shall the county of (insert name of county) repeal the sales
93 tax of (insert rate of percent) percent for the funding of museums?

94 YES NO

95 If you are in favor of the question, place an "X" in the box opposite "YES". If you
96 are opposed to the question, place an "X" in the box opposite "NO". [If a majority
97 of the votes cast on the proposal are in favor of repeal, that repeal shall become
98 effective on December thirty-first of the calendar year in which the repeal was
99 approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to
2 66.630, any county of the first class having a charter form of government and
3 having a population of nine hundred thousand or more may impose an additional
4 countywide sales tax upon approval by a vote of the qualified voters of the
5 county. The proposal may be submitted to the voters by the governing body of the
6 county and shall be submitted to the voters at the next general election upon
7 petitions signed by a number of qualified voters residing in the county equal to
8 at least eight percent of the votes cast in the county in the next preceding
9 gubernatorial election filed with the governing body of the county. The
10 submission shall include the levying of a sales tax at a rate of not to exceed two
11 hundred seventy-five one-thousandths of one percent on the receipts from the sale
12 at retail of all tangible personal property or taxable services within the county
13 which are also taxable under the provisions of sections 66.600 to 66.630, and shall
14 provide for the distribution of the proceeds in the manner provided in either
15 subsection 4 or subsection 5 of this section. If either of the alternative
16 distribution systems as provided in subsection 4 or subsection 5 of this section is
17 approved by the voters, then the alternative system of distribution may not be
18 submitted to the voters for at least three years from the date of such voter
19 approval.

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

22 Shall the County of levy an additional sales tax at the rate of
23 (insert rate) and distribute the proceeds in the manner provided in
24 (insert proper reference) (subsection 4)(subsection 5) of section
25 67.581, RSMo?

26 YES NO

27 If a majority of the votes cast on the proposal by the qualified voters voting
28 thereon are in favor of the proposal, the additional sales tax shall be levied and
29 collected and the proceeds from the additional tax shall be distributed as provided

30 in either subsection 4 or subsection 5 of this section. If a majority of the votes
31 cast by the qualified voters voting thereon are opposed to the proposal, then the
32 governing body of the county shall have no power to impose the additional sales
33 tax authorized by this section unless and until a proposal for the levy of such tax
34 is submitted to and approved by the voters of the county.

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

39 4. In any county adopting an additional sales tax pursuant to the
40 provisions of this section, and selecting the method of distribution provided in
41 this subsection, the proceeds from the sales tax imposed pursuant to this section,
42 less one percent collection cost, shall be distributed first to those municipalities
43 that did not receive during the preceding calendar year ninety-five percent of the
44 amount the municipality would have received by multiplying the population of the
45 municipality by the average per capita sales tax receipt for such county in an
46 amount which will bring each municipality receipt of sales tax moneys up to
47 ninety-five percent of the average per capita receipts from the proceeds of the
48 sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the
49 money received from the sales tax imposed pursuant to this section shall be
50 distributed to all municipalities on the ratio that the population of each
51 municipality bears to the total population of the county. The average per capita
52 sales tax distribution shall be calculated by dividing the sum of the total sales tax
53 revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by
54 the total population of the county. Population of each municipality, of the
55 unincorporated area of the county, and the total population of the county shall be
56 determined on the basis of the most recent federal decennial census. For the
57 purposes of this subsection, any city, town, village or the unincorporated area of
58 the county shall be considered a municipality.

59 5. In any county adopting an additional sales tax pursuant to the
60 provisions of this section and selecting the method of distribution provided in this
61 subsection, the proceeds from the sales tax imposed pursuant to this section, less
62 one percent collection cost, shall be distributed to all cities, towns and villages,
63 and the unincorporated areas of the county in group B and to such cities, towns
64 and villages in group A as necessary so that no city, town, or village in group A
65 receives from the combined proceeds of both the sales tax imposed pursuant to
66 this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less
67 than the per capita amount received by the cities, towns and villages and the
68 unincorporated area of the county in group B receives from the total proceeds
69 from both sales taxes.

70 6. The governing body of any county which is imposing a sales tax under
71 the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon

72 petitions filed with the governing body of the county signed by a number of
73 qualified voters residing in the county equal to at least eight percent of the votes
74 cast in the county at the next preceding gubernatorial election, submit to the
75 qualified voters of the county a proposal to change the method of distribution of
76 sales tax proceeds from the manner provided in subsection 2 of section 66.620 to
77 the method provided in this subsection. The ballot of submission shall be in
78 substantially the following form:

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

83 YES NO

84 If a majority of the votes cast on the proposal by the qualified voters of the county
85 voting thereon are in favor of the proposal, the sales tax imposed by the county
86 under the provisions of sections 66.600 to 66.630 shall be distributed in the
87 manner provided in this subsection and not in the manner provided in subsection
88 2 of section 66.620. If a majority of the votes cast by the qualified voters of the
89 county voting thereon are opposed to the proposal, then the governing body of the
90 county shall have no power to order the proceeds from the sales tax imposed
91 pursuant to the provisions of sections 66.600 to 66.630 in the manner provided
92 in this subsection in lieu of the method provided in subsection 2 of section 66.620,
93 unless and until a proposal authorizing such method of distribution is submitted
94 to and approved by the voters of the county. If the voters approve the change in
95 the method of distribution of the sales tax proceeds in the manner provided in
96 this subsection, the county clerk of the county shall notify the director of revenue
97 of the change in the method of distribution within ten days after adoption of the
98 proposal and shall inform the director of the effective date of the change in the
99 method of distribution, which shall be on the first day of the third calendar
100 quarter after the director of revenue receives notice. After the effective date of
101 the change in the manner of distribution, the director of revenue shall distribute
102 the proceeds of the sales tax imposed by such county under the provisions of
103 sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the
104 manner of distribution provided in subsection 2 of section 66.620. The proceeds
105 of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any
106 county which elects to have the proceeds distributed in the manner provided in
107 this subsection shall be distributed in the following manner:

108 (1) The proceeds from the sales taxes shall be distributed to the cities,
109 towns and villages in group A and to the cities, towns and villages, and the
110 county in group B as defined in section 66.620 in the manner provided in
111 subsection 2 of section 66.620, until an amount equal to the total amount
112 distributed under section 66.620 for the twelve-month period immediately
113 preceding the effective date of the tax levied pursuant to the provisions of this

114 section has been distributed;

115 (2) All moneys received in excess of the total amount distributed under
116 section 66.620 for the twelve-month period immediately preceding the effective
117 date of the tax levied pursuant to the provisions of this section shall be
118 distributed to all cities, towns and villages and to the county on the basis that the
119 population of each city, town or village, and in the case of the county the basis
120 that the population of the unincorporated area of the county, bears to the total
121 population of the county. The average per capita sales tax distribution shall be
122 calculated by dividing the sum of the remaining amount of the total sales tax
123 revenues by the total population of the county. Population of each city, town or
124 village, of the unincorporated area of the county, and the total population of the
125 county shall be determined on the basis of the most recent federal decennial
126 census.

127 7. No municipality incorporated after the adoption of the tax authorized
128 by this section shall be included as other than part of the unincorporated area of
129 the county nor receive any share of either the proceeds from the tax levied
130 pursuant to the provisions of this section or the tax levied pursuant to the
131 provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such
132 municipality had a population of ten thousand or more.

133 8. The county sales tax imposed pursuant to this section on the purchase
134 and sale of motor vehicles shall not be collected and remitted by the seller, but
135 shall be collected by the director of revenue at the time application is made for
136 a certificate of title, if the address of the applicant is within the county imposing
137 the additional sales tax. [The amounts so collected, less one percent collection
138 cost, shall be deposited in the county sales tax trust fund to be distributed in
139 accordance with section 66.620. The purchase or sale of motor vehicles shall be
140 deemed to be consummated at the address of the applicant for a certificate of
141 title.]

142 9. No tax shall be imposed pursuant to this section for the purpose of
143 funding in whole or in part the construction, operation or maintenance of a sports
144 stadium, field house, indoor or outdoor recreational facility, center, playing field,
145 parking facility or anything incidental or necessary to a complex suitable for any
146 type of professional sport, either upon, above or below the ground.

147 10. The director of revenue may authorize the state treasurer to make
148 refunds from the amounts in the trust fund and credited to any county for
149 erroneous payments and overpayments made, and may redeem dishonored checks
150 and drafts deposited to the credit of such counties. If any county abolishes the
151 tax, the county shall notify the director of revenue of the action at least ninety
152 days prior to the effective date of the repeal and the director of revenue may
153 order retention in the trust fund, for a period of one year, of two percent of the
154 amount collected after receipt of such notice to cover possible refunds or
155 overpayment of the tax and to redeem dishonored checks and drafts deposited to

156 the credit of such accounts. After one year has elapsed after the effective date of
157 abolition of the tax in such county, the director of revenue shall remit the balance
158 in the account to the county and close the account of that county. The director
159 of revenue shall notify each county of each instance of any amount refunded or
160 any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first
2 class with a charter form of government with a population of greater than four
3 hundred thousand inhabitants, is hereby authorized to impose, by ordinance or
4 order, a sales tax in the amount of up to one-half of one percent on all retail sales
5 made in such county which are subject to taxation under the provisions of
6 sections 144.010 to 144.525 for the purpose of providing law enforcement services
7 for such county. The tax authorized by this section shall be in addition to any
8 and all other sales taxes allowed by law, except that no ordinance or order
9 imposing a sales tax under the provisions of this section shall be effective unless
10 the governing body of the county submits to the voters of the county, at a county
11 or state general, primary or special election, a proposal to authorize the governing
12 body of the county to impose a tax.

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

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

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

20 YES NO

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

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

27 Shall the county of (county's name) be authorized to enter into
28 agreements for the purpose of forming a regional jail district and obligating the
29 county to impose a countywide sales tax of (insert amount) to fund
30 dollars of the costs to construct a regional jail and to fund the costs to
31 operate a regional jail, with any funds in excess of that necessary to construct
32 and operate such jail to be used for law enforcement purposes?

33 YES NO

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

36 If a majority of the votes cast on the proposal by the qualified voters voting

37 thereon are in favor of the proposal submitted pursuant to subdivision (1) of this
38 subsection, then the ordinance or order and any amendments thereto shall be in
39 effect [on the first day of the second quarter immediately following the election
40 approving the proposal] **as provided by section 32.087**. If the constitutionally
41 required percentage of the voters voting thereon are in favor of the proposal
42 submitted pursuant to subdivision (2) of this subsection, then the ordinance or
43 order and any amendments thereto shall be in effect [on the first day of the
44 second quarter immediately following the election approving the proposal] **as**
45 **provided by section 32.087**. If a proposal receives less than the required
46 majority, then the governing body of the county shall have no power to impose the
47 sales tax herein authorized unless and until the governing body of the county
48 shall again have submitted another proposal to authorize the governing body of
49 the county to impose the sales tax authorized by this section and such proposal
50 is approved by the required majority of the qualified voters voting
51 thereon. However, in no event shall a proposal pursuant to this section be
52 submitted to the voters sooner than twelve months from the date of the last
53 proposal pursuant to this section.

54 3. All revenue received by a county from the tax authorized under the
55 provisions of this section shall be deposited in a special trust fund and shall be
56 used solely for providing law enforcement services for such county for so long as
57 the tax shall remain in effect. Revenue placed in the special trust fund may also
58 be utilized for capital improvement projects for law enforcement facilities and for
59 the payment of any interest and principal on bonds issued for said capital
60 improvement projects.

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

67 5. All sales taxes collected by the director of revenue under this section
68 on behalf of any county[, less one percent for cost of collection which shall be
69 deposited in the state's general revenue fund after payment of premiums for
70 surety bonds as provided in section 32.087,] shall be deposited in a special trust
71 fund, which is hereby created, to be known as the "County Law Enforcement
72 Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax
73 trust fund shall not be deemed to be state funds and shall not be commingled
74 with any funds of the state.] The director of revenue shall keep accurate records
75 of the amount of money in the trust and which was collected in each county
76 imposing a sales tax under this section, and the records shall be open to the
77 inspection of officers of the county and the public. Not later than the tenth day
78 of each month the director of revenue shall distribute all moneys deposited in the

79 trust fund during the preceding month to the county which levied the tax; such
 80 funds shall be deposited with the county treasurer of each such county, and all
 81 expenditures of funds arising from the county law enforcement sales tax trust
 82 fund shall be by an appropriation act to be enacted by the governing body of each
 83 such county. Expenditures may be made from the fund for any law enforcement
 84 functions authorized in the ordinance or order adopted by the governing body
 85 submitting the law enforcement tax to the voters.

86 6. The director of revenue may authorize the state treasurer to make
 87 refunds from the amounts in the trust fund and credited to any county for
 88 erroneous payments and overpayments made, and may redeem dishonored checks
 89 and drafts deposited to the credit of such counties. If any county abolishes the
 90 tax, **the repeal of such tax shall become effective as provided in section**
 91 **32.087.** The county shall notify the director of revenue of the action at least
 92 ninety days prior to the effective date of the repeal and the director of revenue
 93 may order retention in the trust fund, for a period of one year, of two percent of
 94 the amount collected after receipt of such notice to cover possible refunds or
 95 overpayment of the tax and to redeem dishonored checks and drafts deposited to
 96 the credit of such accounts. After one year has elapsed after the effective date of
 97 abolition of the tax in such county, the director of revenue shall remit the balance
 98 in the account to the county and close the account of that county. The director
 99 of revenue shall notify each county of each instance of any amount refunded or
 100 any check redeemed from receipts due the county.

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

67.583. 1. The governing body of any county of the second class with a
 2 population of more than forty thousand but less than sixty thousand and which
 3 contains institutions operated by the department of corrections and by the
 4 department of mental health is hereby authorized to impose, by ordinance or
 5 order, a sales tax in the amount of one-eighth of one percent on all retail sales
 6 made in such county which are subject to taxation under the provisions of
 7 sections 144.010 to 144.525. The tax authorized by this section shall be in
 8 addition to any and all other sales taxes allowed by law; provided, however, that
 9 no ordinance or order imposing a sales tax under the provisions of this section
 10 shall be effective unless the governing body of the county submits to the voters
 11 of the county, at a county or state general, primary or special election, a proposal
 12 to authorize the governing body of the county to impose a tax.

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

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

18

YES

NO

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

21 If a majority of the votes cast on the proposal by the qualified voters voting
22 thereon are in favor of the proposal, then the ordinance or order and any
23 amendments thereto shall be in effect. If a majority of the votes cast by the
24 qualified voters voting are opposed to the proposal, then the governing body of the
25 county shall have no power to impose the sales tax herein authorized unless and
26 until the governing body of the county shall again have submitted another
27 proposal to authorize the governing body of the county to impose the sales tax
28 authorized by this section and such proposal is approved by a majority of the
29 qualified voters voting thereon. However, in no event shall a proposal pursuant
30 to this section be submitted to the voters sooner than twelve months from the
31 date of the last proposal pursuant to this section.

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

36 4. All sales taxes collected by the director of revenue under this section
37 on behalf of any county[, less one percent for cost of collection which shall be
38 deposited in the state's general revenue fund after payment of premiums for
39 surety bonds as provided in section 32.087,] shall be deposited in a special trust
40 fund, which is hereby created, to be known as the "County Employee Benefit
41 Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax
42 trust fund shall not be deemed to be state funds and shall not be commingled
43 with any funds of the state.] The director of revenue shall keep accurate records
44 of the amount of money in the trust and which was collected in each county
45 imposing a sales tax under this section, and the records shall be open to the
46 inspection of officers of the county and the public. Not later than the tenth day
47 of each month, the director of revenue shall distribute all moneys deposited in the
48 trust fund during the preceding month to the county which levied the tax. Such
49 funds shall be deposited with the county treasurer of each such county, and all
50 expenditures of funds arising from the county employee benefit sales tax trust
51 fund shall be for the provision of retirement benefits or health care benefits for
52 employees of the county and their dependents and for no other purpose.

53 5. The director of revenue may authorize the state treasurer to make
54 refunds from the amounts in the trust fund and credited to any county for
55 erroneous payments and overpayments made and may redeem dishonored checks
56 and drafts deposited to the credit of such counties. If any county abolishes the
57 tax, the county shall notify the director of revenue of the action at least ninety
58 days prior to the effective date of the repeal and the director of revenue may
59 order retention in the trust fund, for a period of one year, of two percent of the
60 amount collected after receipt of such notice to cover possible refunds or

61 overpayment of the tax and to redeem dishonored checks and drafts deposited to
 62 the credit of such accounts. After one year has elapsed after the effective date of
 63 abolition of the tax in such county, the director of revenue shall remit the balance
 64 in the account to the county and close the account of that county. The director
 65 of revenue shall notify each county of each instance of any amount refunded or
 66 any check redeemed from receipts due the county.

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

67.584. 1. The governing body of any county of the first classification with
 2 more than one hundred ninety-eight thousand but less than one hundred
 3 ninety-eight thousand two hundred inhabitants is hereby authorized to impose,
 4 by ordinance or order, a sales tax in the amount of up to one-half percent on all
 5 retail sales made in such county which are subject to taxation pursuant to
 6 sections 144.010 to 144.525 for the purpose of providing law enforcement services
 7 for such county. The tax authorized by this section shall be in addition to any
 8 and all other sales taxes allowed by law, except that no ordinance or order
 9 imposing a sales tax pursuant to this section shall be effective unless the
 10 governing body of the county submits to the voters of the county, at a county or
 11 state general, primary, or special election, a proposal to authorize the governing
 12 body of the county to impose a tax.

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

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

19 YES NO

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

22 If a majority of the votes cast on the proposal by the qualified voters voting
 23 thereon are in favor of the proposal submitted pursuant to this subsection, then
 24 the ordinance or order and any amendments thereto shall be in effect [on the first
 25 day of the second quarter immediately following the election approving the
 26 proposal] **as provided by section 32.087**. If a proposal receives less than the
 27 required majority, then the governing body of the county shall have no power to
 28 impose the sales tax herein authorized unless and until the governing body of the
 29 county shall again have submitted another proposal to authorize the governing
 30 body of the county to impose the sales tax authorized by this section and such
 31 proposal is approved by the required majority of the qualified voters voting
 32 thereon. However, in no event shall a proposal pursuant to this section be
 33 submitted to the voters sooner than twelve months from the date of the last
 34 proposal pursuant to this section.

35 3. Twenty-five percent of the revenue received by a county treasurer from
36 the tax authorized pursuant to this section shall be deposited in a special trust
37 fund and shall be used solely by a prosecuting attorney's office for such county for
38 so long as the tax shall remain in effect. The remainder of revenue shall be
39 deposited in the county law enforcement sales tax trust fund established
40 pursuant to section 67.582 of the county levying the tax pursuant to this
41 section. The revenue derived from the tax imposed pursuant to this section shall
42 be used for public law enforcement services only. No revenue derived from the
43 tax imposed pursuant to this section shall be used for any private contractor
44 providing law enforcement services or for any private jail.

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

51 5. All sales taxes collected by the director of revenue pursuant to this
52 section on behalf of any county[, less one percent for cost of collection which shall
53 be deposited in the state's general revenue fund after payment of premiums for
54 surety bonds as provided in section 32.087,] shall be deposited in a special trust
55 fund, which is hereby created, to be known as the "County Prosecuting Attorney's
56 Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust
57 fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys
58 in the trust funds shall not be deemed to be state funds and shall not be
59 commingled with any funds of the state.] The director of revenue shall keep
60 accurate records of the amount of money in the trusts and which was collected in
61 each county imposing a sales tax pursuant to this section, and the records shall
62 be open to the inspection of officers of the county and the public. Not later than
63 the tenth day of each month the director of revenue shall distribute all moneys
64 deposited in the trust funds during the preceding month to the county which
65 levied the tax; such funds shall be deposited with the county treasurer of each
66 such county, and all expenditures of funds arising from either trust fund shall be
67 by an appropriation act to be enacted by the governing body of each such
68 county. Expenditures may be made from the funds for any functions authorized
69 in the ordinance or order adopted by the governing body submitting the tax to the
70 voters.

71 6. The director of revenue may authorize the state treasurer to make
72 refunds from the amounts in the trust funds and credited to any county for
73 erroneous payments and overpayments made, and may redeem dishonored checks
74 and drafts deposited to the credit of such counties. If any county abolishes the
75 tax, **the repeal of such tax shall become effective as provided in section**
76 **32.087.** The county shall notify the director of revenue of the action at least

77 ninety days before the effective date of the repeal and the director of revenue may
78 order retention in the appropriate trust fund, for a period of one year, of two
79 percent of the amount collected after receipt of such notice to cover possible
80 refunds or overpayments of the tax and to redeem dishonored checks and drafts
81 deposited to the credit of such accounts. After one year has elapsed after the
82 effective date of abolition of the tax in such county, the director of revenue shall
83 remit the balance in the account to the county and close the account of that
84 county established pursuant to this section. The director of revenue shall notify
85 each county of each instance of any amount refunded or any check redeemed from
86 receipts due the county.

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

67.712. 1. All sales taxes collected by the director of revenue under
2 sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost
3 of collection, which shall be deposited in the state's general revenue fund after
4 payment of premiums for surety bonds as provided in section 32.087,] shall be
5 deposited with the state treasurer in a special trust fund, which is hereby
6 created, to be known as the "County Alternate Sales Tax Trust Fund". The
7 moneys in the county alternate sales tax trust fund shall not be deemed to be
8 state funds and shall not be commingled with any funds of the state. The
9 director of revenue shall keep accurate records of the amount of money in the
10 trust fund which was collected in each county imposing a sales tax under sections
11 67.700 to 67.727, and the records shall be open to the inspection of officers of each
12 county and the general public. Not later than the tenth day of each month the
13 director of revenue shall distribute all moneys deposited in the trust fund during
14 the preceding month by distributing to the county treasurer, or such other officer
15 as may be designated by the county ordinance or order, of each county imposing
16 the tax authorized by sections 67.700 to 67.727, the sum, as certified by the
17 director of revenue, due the county.

18 2. The director of revenue may authorize the state treasurer to make
19 refunds from the amounts in the trust fund and credited to any county for
20 erroneous payments and overpayments made, and may redeem dishonored checks
21 and drafts deposited to the credit of such counties. If any county repeals the tax
22 authorized by sections 67.700 to 67.727, the county shall notify the director of
23 revenue of the action at least ninety days prior to the effective date of the repeal
24 and **the repeal shall be effective as provided by section 32.087**. The
25 director of revenue may order retention in the trust fund, for a period of one year,
26 of two percent of the amount collected after receipt of such notice to cover possible
27 refunds or overpayment of such tax and to redeem dishonored checks and drafts
28 deposited to the credit of such accounts. After one year has elapsed after the
29 effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such
30 county, the director of revenue shall authorize the state treasurer to remit the

31 balance in the account to the county and close the account of that county. The
32 director of revenue shall notify each county of each instance of any amount
33 refunded or any check redeemed from receipts due the county.

34 3. Except as modified in sections 67.700 to 67.727, all provisions of
35 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections
36 67.700 to 67.727.

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

21 (1) The county which levied the sales tax shall receive a percentage of the
22 distributable revenue equal to the percentage ratio that the population of the
23 unincorporated areas of the county bears to the total population of the county;

24 (2) Each municipality located wholly within the county which levied the
25 tax shall receive a percentage of the distributable revenue equal to the percentage
26 ratio that the population of such municipality bears to the total population of the
27 county; and

28 (3) Each municipality located partially within the county which levied the
29 tax shall receive a percentage of the distributable revenue equal to the percentage
30 ratio that the population of that part of the municipality located within the
31 county bears to the total population of the county.

32 2. The director of revenue may make refunds from the amounts in the
33 county-municipal storm water and public works sales tax trust fund and credited
34 to any county or municipality for erroneous payments and overpayments made,
35 and may redeem dishonored checks and drafts deposited to the credit of such
36 county or municipality. If any county abolishes the tax, the county shall notify

37 the director of revenue of the action at least ninety days prior to the effective date
38 of the repeal and **the repeal shall be effective as provided by section**
39 **32.087**. The director of revenue may order retention in the county-municipal
40 storm water and public works sales tax trust fund, for a period of one year, of two
41 percent of the amount collected after receipt of such notice to cover possible
42 refunds or overpayment of the tax and to redeem dishonored checks and drafts
43 deposited to the credit of such accounts. After one year has elapsed after the
44 effective date of abolition of the tax in such county, the director of revenue shall
45 remit the balance in the account to the county or municipality and close the
46 account of that county or municipality. The director of revenue shall notify each
47 county or municipality of each instance of any amount refunded or any check
48 redeemed from receipts due the county or municipality.

49 3. If the governing body of any municipality located wholly or partially
50 within the county so requests by resolution, no funds shall be expended from the
51 proceeds of any tax imposed under section 67.701 within the corporate boundaries
52 of the requesting municipality for the construction, reconstruction or widening of
53 any road established or to be established pursuant to section 137.558, the total
54 cost of which exceeds one hundred thousand dollars unless: (a) a public hearing
55 is first held at a place near such proposed action; and (b) plans and specifications
56 of such proposed action are prepared and a cost-benefit analysis prepared in
57 accordance with accepted accounting principles of such proposed action is
58 presented to such public hearing. Such cost-benefit analysis and its work papers
59 shall be a public document and subject to inspection as provided in chapter
60 610. The provisions of this subsection shall not apply to proposed projects in
61 unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form
2 of government and having a population of nine hundred thousand or more may,
3 in the same manner and by the same procedure and subject to the same penalties
4 as set out in sections 67.700 to 67.727, impose a sales tax of not more than
5 one-tenth of one percent for the purpose of funding storm water control and public
6 works projects other than stadiums or other sports facilities. This sales tax shall
7 be in addition to any other sales tax authorized by law.

8 2. Notwithstanding the provisions of section 67.712 as to the disposition
9 of any other sales tax imposed under the provisions of sections 67.700 to 67.727,
10 all sales taxes collected by the director of revenue from the tax authorized by this
11 section on behalf of any county[, less one percent for cost of collection, which shall
12 be deposited in the state's general revenue fund after payment of premiums for
13 surety bonds as provided in section 32.087,] shall be deposited with the state
14 treasurer in a special trust fund, which is hereby created, to be known as the
15 "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in
16 the county storm water and public works sales tax trust fund shall not be deemed
17 to be state funds and shall not be commingled with any funds of the state.] The

18 director of revenue shall keep accurate records of the amount of money in the
19 trust fund which was collected in each county imposing a sales tax under this
20 section and the records shall be open to the inspection of officers of the county
21 and the public. Not later than the tenth day of each month the director of
22 revenue shall distribute all moneys deposited in the county storm water and
23 public works sales tax trust fund during the preceding month to the county which
24 levied the tax, and the municipalities which are located wholly or partially within
25 such county as follows:

26 (1) The county which levied the sales tax shall receive a percentage of the
27 distributable revenue equal to the percentage ratio that the population of the
28 unincorporated areas of the county bears to the total population of the county;

29 (2) Each municipality located wholly within the county which levied the
30 tax shall receive a percentage of the distributable revenue equal to the percentage
31 ratio that the population of such municipality bears to the total population of the
32 county; and

33 (3) Each municipality located partially within the county which levied the
34 tax shall receive a percentage of the distributable revenue equal to the percentage
35 ratio that the population of that part of the municipality located within the
36 county bears to the total population of the county.

37 3. The director of revenue may authorize the state treasurer to make
38 refunds from the amounts in the county storm water and public works sales tax
39 trust fund and credited to any county for erroneous payments and overpayments
40 made, and may redeem dishonored checks and drafts deposited to the credit of
41 such counties. If any county abolishes the tax, the county shall notify the director
42 of revenue of the action at least ninety days prior to the effective date of the
43 repeal and **the repeal shall be effective as provided by section**
44 **32.087**. The director of revenue may order retention in the county storm water
45 and public works sales tax trust fund, for a period of one year, of two percent of
46 the amount collected after receipt of such notice to cover possible refunds or
47 overpayment of the tax and to redeem dishonored checks and drafts deposited to
48 the credit of such accounts. After one year has elapsed after the effective date of
49 abolition of the tax in such county, the director of revenue shall authorize the
50 state treasurer to remit the balance in the account to the county and close the
51 account of that county. The director of revenue shall notify each county of each
52 instance of any amount refunded or any check redeemed from receipts due the
53 county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of
2 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections
3 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under
2 sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost
3 of collection, which shall be deposited in the state's general revenue fund after

4 payment of premiums for surety bonds as provided in section 32.087,] shall be
5 deposited with the state treasurer in a special trust fund, which is hereby
6 created, to be known as the "County Capital Improvement Bond Sales Tax Trust
7 Fund". [The moneys in the county capital improvement bond sales tax trust fund
8 shall not be deemed to be state funds and shall not be commingled with any funds
9 of the state.] The director of revenue shall keep accurate records of the amount
10 of money in the trust fund which was collected in each county imposing a sales
11 tax under sections 67.730 to 67.739, and the records shall be open to the
12 inspection of officers of each county and the general public. Not later than the
13 tenth day of each month the director of revenue shall distribute all moneys
14 deposited in the trust fund during the preceding month by distributing to the
15 county treasurer, or such other officer as may be designated by the county
16 ordinance or order, of each county imposing the tax authorized by sections 67.730
17 to 67.739, the sum, as certified by the director of revenue, due the county.

18 2. The director of revenue may authorize the state treasurer to make
19 refund from the amounts in the trust fund and credited to any county for
20 erroneous payments and overpayments made, and may redeem dishonored checks
21 and drafts deposited to the credit of such counties. If any county repeals the tax
22 authorized by sections 67.730 to 67.739, the county shall notify the director of
23 revenue of the action at least ninety days prior to the effective date of the repeal
24 or expiration and **the repeal shall be effective as provided by section**
25 **32.087**. The director of revenue may order retention in the trust fund, for a
26 period of one year, of two percent of the amount collected after receipt of such
27 notice to cover possible refunds or overpayment of such tax and to redeem
28 dishonored checks and drafts deposited to the credit of such accounts. After one
29 year has elapsed after the effective date of repeal or expiration of the tax
30 authorized by sections 67.730 to 67.739 in such county, the director of revenue
31 shall remit the balance in the account to the county and close the account of that
32 county. The director of revenue shall notify each county of each instance of any
33 amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form
2 of government and with more than eleven thousand seven hundred fifty but fewer
3 than eleven thousand eight hundred fifty inhabitants may impose a sales tax
4 throughout the county for public recreational projects and programs, but the sales
5 tax authorized by this section shall not become effective unless the governing
6 body of such county submits to the qualified voters of the county a proposal to
7 authorize the county to impose the sales tax.

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

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

13

 YES NO

14

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

22

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

27

28 5. All revenue collected from the sales tax under this section by the
29 director of revenue on behalf of a county[, less one percent for the cost of
30 collection which shall be deposited in the state's general revenue fund after
31 payment of premiums for surety bonds as provided in section 32.087,] shall be
32 deposited with the state treasurer in a special trust fund, which is hereby
33 created, to be known as the "County Recreation Sales Trust Fund". [Moneys in
34 the fund shall not be deemed to be state funds and shall not be commingled with
35 any funds of the state.] The director of revenue shall keep accurate records of the
36 amount of money in the trust fund collected in each county imposing a sales tax
37 under this section, and the records shall be open to the inspection of officers of
38 such county and the general public. Not later than the tenth day of each
39 calendar month, the director of revenue shall distribute all moneys deposited in
40 the trust fund during the preceding calendar month by distributing to the county
41 treasurer, or such officer as may be designated by county ordinance or order, of
42 each county imposing the tax under this section the sum due the county as
43 certified by the director of revenue.

44

45 6. The director of revenue may authorize the state treasurer to make
46 refunds from the amounts in the trust fund and credited to any county for
47 erroneous payments and overpayments made, and may redeem dishonored checks
48 and drafts deposited to the credit of such counties. Each county shall notify the
49 director of revenue at least ninety days prior to the effective date of the
50 expiration of the sales tax authorized by this section and **the repeal shall be**
51 **effective as provided by section 32.087.** The director of revenue may order
52 retention in the trust fund for a period of one year of two percent of the amount
53 collected after receipt of such notice to cover possible refunds or overpayments of
54 such tax and to redeem dishonored checks and drafts deposited to the credit of
55 such accounts. After one year has elapsed after the date of expiration of the tax
56 authorized by this section in a county, the director of revenue shall remit the
57 balance in the account to the county and close the account of such county. The
58 director of revenue shall notify each county of each instance of any amount

55 refunded or any check redeemed from receipts due such county.

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

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

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

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

67.782. 1. Any county of the third class having a population of more than
2 ten thousand and less than fifteen thousand and any county of the second class
3 having a population of more than fifty-eight thousand and less than seventy
4 thousand adjacent to such third class county, both counties making up the same
5 judicial circuit, may jointly impose a sales tax throughout each of their respective
6 counties for public recreational purposes including the financing, acquisition,
7 construction, operation and maintenance of recreational projects and programs,
8 but the sales taxes authorized by this section shall not become effective unless
9 the governing body of each such county submits to the voters of their respective
10 counties a proposal to authorize the counties to impose the sales tax.

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

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

16 YES NO

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

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

30 144,525.

31 4. All sales taxes collected by the director of revenue under this section
32 on behalf of any county[, less one percent for the cost of collection, which shall be
33 deposited in the state's general revenue fund after payment of premiums for
34 surety bonds as provided in section 32.087,] shall be deposited with the state
35 treasurer in a special trust fund, which is hereby created, to be known as the
36 "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation
37 sales tax trust fund shall not be deemed to be state funds and shall not be
38 commingled with any funds of the state.] The director of revenue shall keep
39 accurate records of the amount of money in the trust fund which was collected in
40 each county imposing a sales tax under this section, and the records shall be open
41 to the inspection of officers of each county and the general public. Not later than
42 the tenth day of each month, the director of revenue shall distribute all moneys
43 deposited in the trust fund during the preceding month by distributing to the
44 county treasurer, or such other officer as may be designated by the county
45 ordinance or order, of each county imposing the tax authorized by this section, the
46 sum, as certified by the director of revenue, due the county.

47 5. The director of revenue may authorize the state treasurer to make
48 refunds from the amounts in the trust fund and credited to any county for
49 erroneous payments and overpayments made, and may redeem dishonored checks
50 and drafts deposited to the credit of such counties. Each county shall notify the
51 director of revenue at least ninety days prior to the effective date of the
52 expiration of the sales tax authorized by this section and **the repeal shall be**
53 **effective as provided by section 32.087.** The director of revenue may order
54 retention in the trust fund, for a period of one year, of two percent of the amount
55 collected after receipt of such notice to cover possible refunds or overpayment of
56 such tax and to redeem dishonored checks and drafts deposited to the credit of
57 such accounts. After one year has elapsed after the date of expiration of the tax
58 authorized by this section in such county, the director of revenue shall remit the
59 balance in the account to the county and close the account of that county. The
60 director of revenue shall notify each county of each instance of any amount
61 refunded or any check redeemed from receipts due the county.

62 6. The tax authorized by this section may be imposed, in accordance with
63 this section, by a county in addition to or in lieu of the tax authorized by sections
64 67.750 to 67.780.

65 7. Any county imposing a sales tax pursuant to the provisions of this
66 section may contract with the authority of any other county or with any city or
67 political subdivision for the financing, acquisition, operation, construction,
68 maintenance, or utilization of any recreation facility or project or program funded
69 in whole or in part from revenues derived from the tax levied pursuant to the
70 provisions of this section.

71 8. The sales tax imposed pursuant to the provisions of this section shall

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

76 9. The governing body of each of the counties imposing a sales tax under
 77 the provisions of this section may cooperate with the governing body of any
 78 county or other political subdivision of this state in carrying out the provisions
 79 of this section, and may establish and conduct jointly a system of public
 80 recreation. The respective governing bodies administering programs jointly may
 81 provide by agreement among themselves for all matters connected with the
 82 programs and determine what items of cost and expense shall be paid by each.

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

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

67.799. 1. A regional recreational district may, by a majority vote of its
 2 board of directors, impose an annual property tax for the establishment and
 3 maintenance of public parks and recreational facilities and grounds within the
 4 boundaries of the regional recreational district not to exceed sixty cents per year
 5 on each one hundred dollars of assessed valuation on all property within the
 6 district, except that no such tax shall become effective unless the board of
 7 directors of the district submits to the voters of the district, at a county or state
 8 general, primary or special election, a proposal to authorize the tax.

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

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

12 YES NO

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

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

23 4. (1) A regional recreational district may, by a majority vote of its board
 24 of directors, impose a tax not to exceed one-half of one cent on all retail sales
 25 subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of
 26 funding the creation, operation and maintenance of public parks, recreational

27 facilities and grounds within the boundaries of a regional recreational
 28 district. The tax authorized by this subsection shall be in addition to all other
 29 sales taxes allowed by law. No tax pursuant to this subsection shall become
 30 effective unless the board of directors submits to the voters of the district, at a
 31 county or state general, primary or special election, a proposal to authorize the
 32 tax, and such tax shall become effective only after the majority of the voters
 33 voting on such tax approve such tax.

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

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

38 YES NO

39 If a majority of the votes cast on the proposal by the qualified voters voting
 40 thereon are in favor of the proposal, then the tax shall become effective. If a
 41 majority of the votes cast by the qualified voters voting are opposed to the
 42 proposal, then the board of directors shall have no power to impose the tax unless
 43 and until another proposal to authorize the tax is submitted to the voters of the
 44 district and such proposal is approved by a majority of the qualified voters voting
 45 thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax
 46 approved pursuant to this subsection.

47 5. As used in this section, "qualified voters" or "voters" means any
 48 individuals residing within the proposed district who are eligible to be registered
 49 voters and who have registered to vote under chapter 115 or, if no individuals
 50 eligible and registered to vote reside within the proposed district, all of the
 51 owners of real property located within the proposed district who have
 52 unanimously petitioned for or consented to the adoption of an ordinance by the
 53 governing body imposing a tax authorized in this section. If the owner of the
 54 property within the proposed district is a political subdivision or corporation of
 55 the state, the governing body of such political subdivision or corporation shall be
 56 considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification
 2 without a township form of government and with more than eighteen thousand
 3 one hundred but fewer than eighteen thousand two hundred inhabitants may
 4 impose, by order or ordinance, a sales tax on all retail sales made within the
 5 county which are subject to sales tax under chapter 144. The tax authorized in
 6 this section shall not exceed one-fourth of one percent, and shall be imposed
 7 solely for the purpose of funding senior services and youth programs provided by
 8 the county. One-half of all revenue collected under this section[, less one-half the
 9 cost of collection,] shall be used solely to fund any service or activity deemed
 10 necessary by the senior service tax commission established in this section, and
 11 one-half of all revenue collected under this section[, less one-half the cost of
 12 collection,] shall be used solely to fund all youth programs administered by an

13 existing county community task force. The tax authorized in this section shall be
 14 in addition to all other sales taxes imposed by law, and shall be stated separately
 15 from all other charges and taxes. The order or ordinance shall not become
 16 effective unless the governing body of the county submits to the voters residing
 17 within the county at a state general, primary, or special election a proposal to
 18 authorize the governing body of the county to impose a tax under this section.

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

21 Shall (insert the name of the county) impose a
 22 sales tax at a rate of (insert rate of percent) percent, with half of the
 23 revenue from the tax, less one-half the cost of collection, to be used solely to fund
 24 senior services provided by the county and half of the revenue from the tax, less
 25 one-half the cost of collection, to be used solely to fund youth programs provided
 26 by the county?

27 YES NO

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

30 If a majority of the votes cast on the question by the qualified voters voting
 31 thereon are in favor of the question, then the tax shall become effective on the
 32 first day of the second calendar quarter immediately following the approval of the
 33 tax or notification to the department of revenue if such tax will be administered
 34 by the department of revenue. If a majority of the votes cast on the question by
 35 the qualified voters voting thereon are opposed to the question, then the tax shall
 36 not become effective unless and until the question is resubmitted under this
 37 section to the qualified voters and such question is approved by a majority of the
 38 qualified voters voting on the question.

39 3. [On or after the effective date of any tax authorized under this section,
 40 the county which imposed the tax shall enter into an agreement with the director
 41 of the department of revenue for the purpose of collecting the tax authorized in
 42 this section. On or after the effective date of the tax the director of revenue shall
 43 be responsible for the administration, collection, enforcement, and operation of
 44 the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected
 45 under this section by the director of the department of revenue on behalf of any
 46 county[, except for one percent for the cost of collection which shall be deposited
 47 in the state's general revenue fund,] shall be deposited in a special trust fund,
 48 which is hereby created and shall be known as the "Senior Services and Youth
 49 Programs Sales Tax Trust Fund", and shall be used solely for the designated
 50 purposes. [Moneys in the fund shall not be deemed to be state funds, and shall
 51 not be commingled with any funds of the state.] The director may make refunds
 52 from the amounts in the trust fund and credited to the county for erroneous
 53 payments and overpayments made, and may redeem dishonored checks and drafts
 54 deposited to the credit of such county. Any funds in the special trust fund which

55 are not needed for current expenditures shall be invested in the same manner as
56 other funds are invested. Any interest and moneys earned on such investments
57 shall be credited to the fund.

58 4. [In order to permit sellers required to collect and report the sales tax
59 to collect the amount required to be reported and remitted, but not to change the
60 requirements of reporting or remitting the tax, or to serve as a levy of the tax,
61 and in order to avoid fractions of pennies, the governing body of the county may
62 authorize the use of a bracket system similar to that authorized in section
63 144.285 and notwithstanding the provisions of that section, this new bracket
64 system shall be used where this tax is imposed and shall apply to all taxable
65 transactions.] Beginning with the effective date of the tax, every retailer in the
66 county shall add the sales tax to the sale price, and this tax shall be a debt of the
67 purchaser to the retailer until paid, and shall be recoverable at law in the same
68 manner as the purchase price. For purposes of this section, all retail sales shall
69 be deemed to be consummated at the place of business of the retailer.

70 5. All applicable provisions in sections 144.010 to 144.525 governing the
71 state sales tax, and section 32.057, the uniform confidentiality provision, shall
72 apply to the collection of the tax[, and all exemptions granted to agencies of
73 government, organizations, and persons under sections 144.010 to 144.525 are
74 hereby made applicable to the imposition and collection of the tax. The same
75 sales tax permit, exemption certificate, and retail certificate required by sections
76 144.010 to 144.525 for the administration and collection of the state sales tax
77 shall satisfy the requirements of this section, and no additional permit or
78 exemption certificate or retail certificate shall be required; except that, the
79 director of revenue may prescribe a form of exemption certificate for an exemption
80 from the tax. All discounts allowed the retailer under the state sales tax for the
81 collection of and for payment of taxes are hereby allowed and made applicable to
82 the tax. The penalties for violations provided in section 32.057 and sections
83 144.010 to 144.525 are hereby made applicable to violations of this section. If any
84 person is delinquent in the payment of the amount required to be paid under this
85 section, or in the event a determination has been made against the person for
86 taxes and penalty under this section, the limitation for bringing suit for the
87 collection of the delinquent tax and penalty shall be the same as that provided
88 in sections 144.010 to 144.525].

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

93 Shall (insert the name of the county) repeal the sales
94 tax imposed at a rate of (insert rate of percent) percent for the purpose
95 of funding senior services and youth programs provided by the county?

96 YES NO

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

99 If a majority of the votes cast on the question by the qualified voters voting
100 thereon are in favor of repeal, that repeal shall become effective [on December
101 thirty-first of the calendar year in which such repeal was approved] **as provided**
102 **by section 32.087**. If a majority of the votes cast on the question by the
103 qualified voters voting thereon are opposed to the repeal, then the sales tax
104 authorized in this section shall remain effective until the question is resubmitted
105 under this section to the qualified voters and the repeal is approved by a majority
106 of the qualified voters voting on the question.

107 7. Whenever the governing body of any county that has adopted the sales
108 tax authorized in this section receives a petition, signed by ten percent of the
109 registered voters of the county voting in the last gubernatorial election, calling
110 for an election to repeal the sales tax imposed under this section, the governing
111 body shall submit to the voters of the county a proposal to repeal the tax. If a
112 majority of the votes cast on the question by the qualified voters voting thereon
113 are in favor of the repeal, the repeal shall become effective [on December
114 thirty-first of the calendar year in which such repeal was approved] **as provided**
115 **by section 32.087**. If a majority of the votes cast on the question by the
116 qualified voters voting thereon are opposed to the repeal, then the sales tax
117 authorized in this section shall remain effective until the question is resubmitted
118 under this section to the qualified voters and the repeal is approved by a majority
119 of the qualified voters voting on the question.

120 8. If the tax is repealed or terminated by any means, all funds remaining
121 in the special trust fund shall continue to be used solely for the designated
122 purposes, and the county shall notify the director of the department of revenue
123 of the action at least thirty days before the effective date of the repeal and the
124 director may order retention in the trust fund, for a period of one year, of two
125 percent of the amount collected after receipt of such notice to cover possible
126 refunds or overpayment of the tax and to redeem dishonored checks and drafts
127 deposited to the credit of such accounts. After one year has elapsed after the
128 effective date of abolition of the tax in such county, the director shall remit the
129 balance in the account to the county and close the account of that county. The
130 director shall notify each county of each instance of any amount refunded or any
131 check redeemed from receipts due the county.

132 9. Each county imposing the tax authorized in this section shall establish
133 a senior services tax commission to administer the portion of the sales tax
134 revenue dedicated to providing senior services. Such commission shall consist of
135 seven members appointed by the county commission. The county commission
136 shall determine the qualifications, terms of office, compensation, powers, duties,
137 restrictions, procedures, and all other necessary functions of the commission.

67.1300. 1. The governing body of any of the contiguous counties of the

2 third classification without a township form of government enumerated in
3 subdivisions (1) to (5) of this subsection or in any county of the fourth
4 classification acting as a county of the second classification, having a population
5 of at least forty thousand but less than forty-five thousand with a state
6 university, and adjoining a county of the first classification with part of a city
7 with a population of three hundred fifty thousand or more inhabitants or a county
8 of the third classification with a township form of government and with a
9 population of at least eight thousand but less than eight thousand four hundred
10 inhabitants or a county of the third classification with more than fifteen
11 townships having a population of at least twenty-one thousand inhabitants or a
12 county of the third classification without a township form of government and with
13 a population of at least seven thousand four hundred but less than eight
14 thousand inhabitants or any county of the third classification with a population
15 greater than three thousand but less than four thousand or any county of the
16 third classification with a population greater than six thousand one hundred but
17 less than six thousand four hundred or any county of the third classification with
18 a population greater than six thousand eight hundred but less than seven
19 thousand or any county of the third classification with a population greater than
20 seven thousand eight hundred but less than seven thousand nine hundred or any
21 county of the third classification with a population greater than eight thousand
22 four hundred sixty but less than eight thousand five hundred or any county of the
23 third classification with a population greater than nine thousand but less than
24 nine thousand two hundred or any county of the third classification with a
25 population greater than ten thousand five hundred but less than ten thousand six
26 hundred or any county of the third classification with a population greater than
27 twenty-three thousand five hundred but less than twenty-three thousand seven
28 hundred or a county of the third classification with a population greater than
29 thirty-three thousand but less than thirty-four thousand or a county of the third
30 classification with a population greater than twenty thousand eight hundred but
31 less than twenty-one thousand or a county of the third classification with a
32 population greater than fourteen thousand one hundred but less than fourteen
33 thousand five hundred or a county of the third classification with a population
34 greater than twenty thousand eight hundred fifty but less than twenty-two
35 thousand or a county of the third classification with a population greater than
36 thirty-nine thousand but less than forty thousand or a county of the third
37 classification with a township form of organization and a population greater than
38 twenty-eight thousand but less than twenty-nine thousand or a county of the
39 third classification with a population greater than fifteen thousand but less than
40 fifteen thousand five hundred or a county of the third classification with a
41 population greater than eighteen thousand but less than nineteen thousand
42 seventy or a county of the third classification with a population greater than
43 thirteen thousand nine hundred but less than fourteen thousand four hundred or

44 a county of the third classification with a population greater than twenty-seven
45 thousand but less than twenty-seven thousand five hundred or a county of the
46 first classification without a charter form of government and a population of at
47 least eighty thousand but not greater than eighty-three thousand or a county of
48 the third classification with a population greater than fifteen thousand but less
49 than fifteen thousand nine hundred without a township form of government
50 which does not adjoin any county of the first, second or fourth classification or a
51 county of the third classification with a population greater than twenty-three
52 thousand but less than twenty-five thousand without a township form of
53 government which does not adjoin any county of the second or fourth
54 classification and does adjoin a county of the first classification with a population
55 greater than one hundred twenty thousand but less than one hundred fifty
56 thousand or in any county of the fourth classification acting as a county of the
57 second classification, having a population of at least forty-eight thousand or any
58 governing body of a municipality located in any of such counties may impose, by
59 ordinance or order, a sales tax on all retail sales made in such county or
60 municipality which are subject to taxation pursuant to the provisions of sections
61 144.010 to 144.525:

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

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

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

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

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

72 2. The maximum rate for a sales tax pursuant to this section shall be one
73 percent for municipalities and one-half of one percent for counties.

74 3. The tax authorized by this section shall be in addition to any and all
75 other sales taxes allowed by law, except that no ordinance or order imposing a
76 sales tax pursuant to the provisions of this section shall be effective unless the
77 governing body of the county or municipality submits to the voters of the county
78 or municipality, at a regularly scheduled county, municipal or state general or
79 primary election, a proposal to authorize the governing body of the county or
80 municipality to impose a tax. Any sales tax imposed pursuant to this section
81 shall not be authorized for a period of more than five years.

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

83 Shall the (city, town, village or county) of impose a sales tax of
84 (insert amount) for the purpose of economic development in the (city,
85 town, village or county)?

86

 YES NO

87 If a majority of the votes cast on the proposal by the qualified voters voting
88 thereon are in favor of the proposal, then the ordinance or order and any
89 amendments thereto shall be in effect on the first day of the second quarter after
90 the director of revenue receives notice of adoption of the tax. If a majority of the
91 votes cast by the qualified voters voting are opposed to the proposal, then the
92 governing body of the county or municipality shall not impose the sales tax
93 authorized in this section until the governing body of the county or municipality
94 resubmits another proposal to authorize the governing body of the county or
95 municipality to impose the sales tax authorized by this section and such proposal
96 is approved by a majority of the qualified voters voting thereon; however no such
97 proposal shall be resubmitted to the voters sooner than twelve months from the
98 date of the submission of the last such proposal.

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

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

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

115 8. [The moneys in the local economic development sales tax trust fund
116 shall not be deemed to be state funds and shall not be commingled with any funds
117 of the state.] The director of revenue shall keep accurate records of the amount
118 of money in the trust fund and which was collected in each county or municipality
119 imposing a sales tax pursuant to this section, and the records shall be open to the
120 inspection of officers of the county or municipality and the public.

121 9. Not later than the tenth day of each month the director of revenue shall
122 distribute all moneys deposited in the trust fund during the preceding month to
123 the county or municipality which levied the tax. Such funds shall be deposited
124 with the county treasurer of each such county or the appropriate municipal officer
125 in the case of a municipal tax, and all expenditures of funds arising from the local
126 economic development sales tax trust fund shall be by an appropriation act to be
127 enacted by the governing body of each such county or municipality. Expenditures

128 may be made from the fund for any economic development purposes authorized
129 in the ordinance or order adopted by the governing body submitting the tax to the
130 voters.

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

136 11. If any county or municipality abolishes the tax, the county or
137 municipality shall notify the director of revenue of the action at least ninety days
138 prior to the effective date of the repeal and **the repeal shall be effective as**
139 **provided by section 32.087.** The director of revenue may order retention in
140 the trust fund, for a period of one year, of two percent of the amount collected
141 after receipt of such notice to cover possible refunds or overpayment of the tax
142 and to redeem dishonored checks and drafts deposited to the credit of such
143 accounts. After one year has elapsed after the effective date of abolition of the
144 tax in such county or municipality, the director of revenue shall remit the balance
145 in the account to the county or municipality and close the account of that county
146 or municipality. The director of revenue shall notify each county or municipality
147 of each instance of any amount refunded or any check redeemed from receipts due
148 the county or municipality.

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

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

153 (1) Operations of economic development or community development
154 offices, including the salaries of employees;

155 (2) Provision of training for job creation or retention;

156 (3) Provision of infrastructure and sites for industrial development or for
157 public infrastructure projects; and

158 (4) Refurbishing of existing structures and property relating to community
159 development.

67.1303. 1. The governing body of any home rule city with more than one
2 hundred fifty-one thousand five hundred but less than one hundred fifty-one
3 thousand six hundred inhabitants, any home rule city with more than forty-five
4 thousand five hundred but less than forty-five thousand nine hundred inhabitants
5 and the governing body of any city within any county of the first classification
6 with more than one hundred four thousand six hundred but less than one
7 hundred four thousand seven hundred inhabitants and the governing body of any
8 county of the third classification without a township form of government and with
9 more than forty thousand eight hundred but less than forty thousand nine
10 hundred inhabitants or any city within such county may impose, by order or

11 ordinance, a sales tax on all retail sales made in the city or county which are
 12 subject to sales tax under chapter 144. In addition, the governing body of any
 13 county of the first classification with more than eighty-five thousand nine
 14 hundred but less than eighty-six thousand inhabitants or the governing body of
 15 any home rule city with more than seventy-three thousand but less than
 16 seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax
 17 on all retail sales made in the city or county which are subject to sales tax under
 18 chapter 144. The tax authorized in this section shall not be more than one-half
 19 of one percent. The order or ordinance imposing the tax shall not become
 20 effective unless the governing body of the city or county submits to the voters of
 21 the city or county at a state general or primary election a proposal to authorize
 22 the governing body to impose a tax under this section. The tax authorized in this
 23 section shall be in addition to all other sales taxes imposed by law, and shall be
 24 stated separately from all other charges and taxes.

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

27 Shall (insert the name of the city or county) impose a
 28 sales tax at a rate of (insert rate of percent) percent for economic
 29 development purposes?

30 YES NO

31 If a majority of the votes cast on the question by the qualified voters voting
 32 thereon are in favor of the question, then the tax shall become effective [on the
 33 first day of the second calendar quarter following the calendar quarter in which
 34 the election was held] **as provided by section 32.087**. If a majority of the
 35 votes cast on the question by the qualified voters voting thereon are opposed to
 36 the question, then the tax shall not become effective unless and until the question
 37 is resubmitted under this section to the qualified voters and such question is
 38 approved by a majority of the qualified voters voting on the question, provided
 39 that no proposal shall be resubmitted to the voters sooner than twelve months
 40 from the date of the submission of the last proposal.

41 3. No revenue generated by the tax authorized in this section shall be
 42 used for any retail development project. At least twenty percent of the revenue
 43 generated by the tax authorized in this section shall be used solely for projects
 44 directly related to long-term economic development preparation, including, but
 45 not limited to, the following:

- 46 (1) Acquisition of land;
- 47 (2) Installation of infrastructure for industrial or business parks;
- 48 (3) Improvement of water and wastewater treatment capacity;
- 49 (4) Extension of streets;
- 50 (5) Providing matching dollars for state or federal grants;
- 51 (6) Marketing;
- 52 (7) Construction and operation of job training and educational facilities;

53 and

54 (8) Providing grants and low-interest loans to companies for job training,
55 equipment acquisition, site development, and infrastructure. Not more than
56 twenty-five percent of the revenue generated may be used annually for
57 administrative purposes, including staff and facility costs.

58 4. All revenue generated by the tax shall be deposited in a special trust
59 fund and shall be used solely for the designated purposes. If the tax is repealed,
60 all funds remaining in the special trust fund shall continue to be used solely for
61 the designated purposes. Any funds in the special trust fund which are not
62 needed for current expenditures may be invested by the governing body in
63 accordance with applicable laws relating to the investment of other city or county
64 funds.

65 5. **The director of revenue may authorize the state treasurer to**
66 **make refunds from the amounts in the trust fund and credited to any**
67 **city or county for erroneous payments in the trust fund and credited**
68 **to any city or county for erroneous payments and overpayments made,**
69 **and may redeem dishonored checks and drafts deposited to the credit**
70 **of such counties. If any city or county abolishes the tax authorized**
71 **under this section, the repeal of such tax shall become effective**
72 **December thirty-first of the calendar year in which such abolishment**
73 **was approved. Each city or county shall notify the director of revenue**
74 **at least ninety days prior to the effective date of the expiration of the**
75 **sales tax authorized by this section and the repeal shall be effective as**
76 **provided by section 32.087. The director of revenue may order**
77 **retention in the trust fund, for a period of one year, of two percent of**
78 **the amount collected after receipt of such notice to cover possible**
79 **refunds or overpayment of such tax and to redeem dishonored checks**
80 **and drafts deposited to the credit of such accounts. After one year has**
81 **elapsed after the date of expiration of the tax authorized by this**
82 **section in such city or county, the director of revenue shall remit the**
83 **balance in the account to the city or county and close the account of**
84 **that city or county. The director of revenue shall notify each city or**
85 **county of each instance of any amount refunded or any check redeemed**
86 **from receipts due the city or county.**

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

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

94 (2) One member shall be appointed, in any manner agreed upon by the

95 affected districts, to represent all other districts levying ad valorem taxes within
96 the area selected for an economic development project or area funded by the sales
97 tax authorized in this section, excluding representatives of the governing body of
98 the city or county;

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

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

104 (5) In each city, two members shall be appointed by the governing body
105 of the county in which the city is located. In each county, two members shall be
106 appointed by the governing body of the county. At the option of the members
107 appointed by a city or county the members who are appointed by the school
108 boards and other taxing districts may serve on the board for a term to coincide
109 with the length of time an economic development project, plan, or designation of
110 an economic development area is considered for approval by the board, or for the
111 definite terms as provided in this subsection. If the members representing school
112 districts and other taxing districts are appointed for a term coinciding with the
113 length of time an economic development project, plan, or area is approved, such
114 term shall terminate upon final approval of the project, plan, or designation of
115 the area by the governing body of the city or county. If any school district or
116 other taxing jurisdiction fails to appoint members of the board within thirty days
117 of receipt of written notice of a proposed economic development plan, economic
118 development project, or designation of an economic development area, the
119 remaining members may proceed to exercise the power of the board. Of the
120 members first appointed by the city or county, three shall be designated to serve
121 for terms of two years, three shall be designated to serve for a term of three
122 years, and the remaining members shall be designated to serve for a term of four
123 years from the date of such initial appointments. Thereafter, the members
124 appointed by the city or county shall serve for a term of four years, except that
125 all vacancies shall be filled for unexpired terms in the same manner as were the
126 original appointments.

127 [6.] 7. The board, subject to approval of the governing body of the city or
128 county, shall develop economic development plans, economic development
129 projects, or designations of an economic development area, and shall hold public
130 hearings and provide notice of any such hearings. The board shall vote on all
131 proposed economic development plans, economic development projects, or
132 designations of an economic development area, and amendments thereto, within
133 thirty days following completion of the hearing on any such plan, project, or
134 designation, and shall make recommendations to the governing body within
135 ninety days of the hearing concerning the adoption of or amendment to economic
136 development plans, economic development projects, or designations of an economic

137 development area.

138 [7.] 8. The board shall report at least annually to the governing body of
139 the city or county on the use of the funds provided under this section and on the
140 progress of any plan, project, or designation adopted under this section.

141 [8.] 9. The governing body of any city or county that has adopted the
142 sales tax authorized in this section may submit the question of repeal of the tax
143 to the voters on any date available for elections for the city or county. The ballot
144 of submission shall be in substantially the following form:

145 Shall (insert the name of the city or county) repeal
146 the sales tax imposed at a rate of (insert rate of percent) percent for economic
147 development purposes?

148 YES NO

149 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
150 shall become effective on December thirty-first of the calendar year in which such
151 repeal was approved. If a majority of the votes cast on the question by the
152 qualified voters voting thereon are opposed to the repeal, then the sales tax
153 authorized in this section shall remain effective until the question is resubmitted
154 under this section to the qualified voters of the city or county, and the repeal is
155 approved by a majority of the qualified voters voting on the question.

156 [9.] 10. Whenever the governing body of any city or county that has
157 adopted the sales tax authorized in this section receives a petition, signed by ten
158 percent of the registered voters of the city or county voting in the last
159 gubernatorial election, calling for an election to repeal the sales tax imposed
160 under this section, the governing body shall submit to the voters a proposal to
161 repeal the tax. If a majority of the votes cast on the question by the qualified
162 voters voting thereon are in favor of the repeal, that repeal shall become effective
163 [on December thirty-first of the calendar year in which such repeal was approved]
164 **as provided by section 32.087.** If a majority of the votes cast on the question
165 by the qualified voters voting thereon are opposed to the repeal, then the tax
166 shall remain effective until the question is resubmitted under this section to the
167 qualified voters and the repeal is approved by a majority of the qualified voters
168 voting on the question. **If the city or county abolishes the tax, the city or**
169 **county shall notify the director of revenue of the action at least one**
170 **hundred twenty days prior to the effective date of the repeal.**

171 **11. After the effective date of any tax imposed under the**
172 **provisions of this section, the director of revenue shall perform all**
173 **functions incident to the administration, collection, enforcement, and**
174 **operation of the tax and collect, in addition to the sales tax for the**
175 **state of Missouri, the additional tax authorized under this section. The**
176 **tax imposed under this section and the tax imposed under the sales tax**
177 **law of the state of Missouri shall be collected together and reported**
178 **upon such forms and under such administrative rules and regulations**

179 as may be prescribed by the director of revenue.

180 **12. Except as provided in this section, all provisions of sections**
 181 **32.085 to 32.087 shall apply to the tax imposed under this section.**

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

3 2. In lieu of the sales taxes authorized under sections 67.1300 and
 4 67.1303, the governing body of any city or county may impose, by order or
 5 ordinance, a sales tax on all retail sales made in the city or county which are
 6 subject to sales tax under chapter 144. The tax authorized in this section shall
 7 not be more than one-half of one percent. The order or ordinance imposing the
 8 tax shall not become effective unless the governing body of the city or county
 9 submits to the voters of the city or county at any citywide, county or state
 10 general, primary or special election a proposal to authorize the governing body
 11 to impose a tax under this section. The tax authorized in this section shall be in
 12 addition to all other sales taxes imposed by law, and shall be stated separately
 13 from all other charges and taxes. The tax authorized in this section shall not be
 14 imposed by any city or county that has imposed a tax under section 67.1300 or
 15 67.1303 unless the tax imposed under those sections has expired or been
 16 repealed.

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

19 Shall (insert the name of the city or county) impose a sales tax at
 20 a rate of (insert rate of percent) percent for economic development
 21 purposes?

22 YES NO

23 If a majority of the votes cast on the question by the qualified voters voting
 24 thereon are in favor of the question, then the tax shall become effective on the
 25 first day of the second calendar quarter following the calendar quarter in which
 26 the election was held. If a majority of the votes cast on the question by the
 27 qualified voters voting thereon are opposed to the question, then the tax shall not
 28 become effective unless and until the question is resubmitted under this section
 29 to the qualified voters and such question is approved by a majority of the
 30 qualified voters voting on the question, provided that no proposal shall be
 31 resubmitted to the voters sooner than twelve months from the date of the
 32 submission of the last proposal.

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

39 5. [The moneys in the local option economic development sales tax trust

40 fund shall not be deemed to be state funds and shall not be commingled with any
41 funds of the state.] The director of revenue shall keep accurate records of the
42 amount of money in the trust fund and which was collected in each city or county
43 imposing a sales tax pursuant to this section, and the records shall be open to the
44 inspection of officers of the city or county and the public.

45 6. Not later than the tenth day of each month the director of revenue shall
46 distribute all moneys deposited in the trust fund during the preceding month to
47 the city or county which levied the tax. Such funds shall be deposited with the
48 county treasurer of each such county or the appropriate municipal officer in the
49 case of a municipal tax, and all expenditures of funds arising from the local
50 economic development sales tax trust fund shall be in accordance with this
51 section.

52 7. The director of revenue may authorize the state treasurer to make
53 refunds from the amounts in the trust fund and credited to any city or county for
54 erroneous payments and overpayments made, and may redeem dishonored checks
55 and drafts deposited to the credit of such cities and counties.

56 8. If any county or municipality abolishes the tax, the city or county shall
57 notify the director of revenue of the action at least ninety days prior to the
58 effective date of the repeal and **the repeal shall be effective as provided by**
59 **section 32.087.** The director of revenue may order retention in the trust fund,
60 for a period of one year, of two percent of the amount collected after receipt of
61 such notice to cover possible refunds or overpayment of the tax and to redeem
62 dishonored checks and drafts deposited to the credit of such accounts. After one
63 year has elapsed after the effective date of abolition of the tax in such city or
64 county, the director of revenue shall remit the balance in the account to the city
65 or county and close the account of that city or county. The director of revenue
66 shall notify each city or county of each instance of any amount refunded or any
67 check redeemed from receipts due the city or county.

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

70 10. (1) No revenue generated by the tax authorized in this section shall
71 be used for any retail development project, except for the redevelopment of
72 downtown areas and historic districts. Not more than twenty-five percent of the
73 revenue generated shall be used annually for administrative purposes, including
74 staff and facility costs.

75 (2) At least twenty percent of the revenue generated by the tax
76 authorized in this section shall be used solely for projects directly related to
77 long-term economic development preparation, including, but not limited to, the
78 following:

- 79 (a) Acquisition of land;
- 80 (b) Installation of infrastructure for industrial or business parks;
- 81 (c) Improvement of water and wastewater treatment capacity;

82 (d) Extension of streets;

83 (e) Public facilities directly related to economic development and job
84 creation; and

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

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

89 (a) Marketing;

90 (b) Providing grants and loans to companies for job training, equipment
91 acquisition, site development, and infrastructures;

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

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

96 (e) Developing value-added and export opportunities for Missouri
97 agricultural products.

98 11. All revenue generated by the tax shall be deposited in a special trust
99 fund and shall be used solely for the designated purposes. If the tax is repealed,
100 all funds remaining in the special trust fund shall continue to be used solely for
101 the designated purposes. Any funds in the special trust fund which are not
102 needed for current expenditures may be invested by the governing body in
103 accordance with applicable laws relating to the investment of other city or county
104 funds.

105 12. (1) Any city or county imposing the tax authorized in this section
106 shall establish an economic development tax board. The volunteer board shall
107 receive no compensation or operating budget.

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

113 (a) One member of a five-member board, or two members of a
114 nine-member board, shall be appointed by the school districts included within any
115 economic development plan or area funded by the sales tax authorized in this
116 section. Such member or members shall be appointed in any manner agreed upon
117 by the affected districts;

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

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

124 (3) The economic development tax board established by a county shall
125 consist of seven members, to be appointed as follows:

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

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

132 (c) Two members from the cities, towns, or villages within the county
133 appointed in any manner agreed upon by the chief elected officers of the cities or
134 villages. Of the members initially appointed, three shall be designated to serve
135 for terms of two years, except that when a nine-member board is designated,
136 seven of the members initially appointed shall be designated to serve for terms
137 of two years, and the remaining members shall be designated to serve for a term
138 of four years from the date of such initial appointments. Thereafter, the members
139 appointed shall serve for a term of four years, except that all vacancies shall be
140 filled for unexpired terms in the same manner as were the original appointments.

141 (4) If an economic development tax board established by a city is already
142 in existence on August 28, 2012, any increase in the number of members of the
143 board shall be designated in an order or ordinance. The four board members
144 added to the board shall be appointed to a term with an expiration coinciding
145 with the expiration of the terms of the three board member positions that were
146 originally appointed to terms of two years. Thereafter, the additional members
147 appointed shall serve for a term of four years, except that all vacancies shall be
148 filled for unexpired terms in the same manner as were the additional
149 appointments.

150 13. The board, subject to approval of the governing body of the city or
151 county, shall consider economic development plans, economic development
152 projects, or designations of an economic development area, and shall hold public
153 hearings and provide notice of any such hearings. The board shall vote on all
154 proposed economic development plans, economic development projects, or
155 designations of an economic development area, and amendments thereto, within
156 thirty days following completion of the hearing on any such plan, project, or
157 designation, and shall make recommendations to the governing body within
158 ninety days of the hearing concerning the adoption of or amendment to economic
159 development plans, economic development projects, or designations of an economic
160 development area. The governing body of the city or county shall have the final
161 determination on use and expenditure of any funds received from the tax imposed
162 under this section.

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

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

168 (2) The board establishes an agreement with the governing bodies of all
169 cities and counties in which the plan, project or area designation is located
170 detailing the authority and responsibilities of each governing body with regard
171 to the plan, project or area designation.

172 15. Notwithstanding any other provision of law to the contrary, the
173 economic development sales tax imposed under this section when imposed within
174 a special taxing district, including but not limited to a tax increment financing
175 district, neighborhood improvement district, or community improvement district,
176 shall be excluded from the calculation of revenues available to such districts, and
177 no revenues from any sales tax imposed under this section shall be used for the
178 purposes of any such district unless recommended by the economic development
179 tax board established under this section and approved by the governing body
180 imposing the tax.

181 16. The board and the governing body of the city or county imposing the
182 tax shall report at least annually to the governing body of the city or county on
183 the use of the funds provided under this section and on the progress of any plan,
184 project, or designation adopted under this section and shall make such report
185 available to the public.

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

190 (1) A statement of its primary economic development goals;

191 (2) A statement of the total economic development sales tax revenues
192 received during the immediately preceding calendar year;

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

195 (a) Infrastructure improvements;

196 (b) Land and/or buildings;

197 (c) Machinery and equipment;

198 (d) Job training investments;

199 (e) Direct business incentives;

200 (f) Marketing;

201 (g) Administration and legal expenses; and

202 (h) Other expenditures.

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

207 Shall (insert the name of the city or county) repeal the sales tax

208 imposed at a rate of (insert rate of percent) percent for economic
209 development purposes?

210 YES NO

211 If a majority of the votes cast on the proposal are in favor of the repeal, that
212 repeal shall become effective on December thirty-first of the calendar year in
213 which such repeal was approved. If a majority of the votes cast on the question
214 by the qualified voters voting thereon are opposed to the repeal, then the sales
215 tax authorized in this section shall remain effective until the question is
216 resubmitted under this section to the qualified voters of the city or county, and
217 the repeal is approved by a majority of the qualified voters voting on the question.

218 19. Whenever the governing body of any city or county that has adopted
219 the sales tax authorized in this section receives a petition, signed by ten percent
220 of the registered voters of the city or county voting in the last gubernatorial
221 election, calling for an election to repeal the sales tax imposed under this section,
222 the governing body shall submit to the voters a proposal to repeal the tax. If a
223 majority of the votes cast on the question by the qualified voters voting thereon
224 are in favor of the repeal, that repeal shall become effective on December
225 thirty-first of the calendar year in which such repeal was approved. If a majority
226 of the votes cast on the question by the qualified voters voting thereon are
227 opposed to the repeal, then the tax shall remain effective until the question is
228 resubmitted under this section to the qualified voters and the repeal is approved
229 by a majority of the qualified voters voting on the question.

230 20. If any provision of this section or section 67.1303 or the application
231 thereof to any person or circumstance is held invalid, the invalidity shall not
232 affect other provisions or application of this section or section 67.1303 which can
233 be given effect without the invalid provision or application, and to this end the
234 provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by
2 resolution a district sales and use tax on all retail sales made in such district
3 which are subject to taxation pursuant to sections 144.010 to 144.525, except
4 sales of motor vehicles, [trailers, boats or outboard motors and sales to or by
5 public utilities and providers of communications, cable, or video services]
6 **watercraft, electricity, piped natural or artificial gas, or other fuels**
7 **delivered by the seller.** Any sales and use tax imposed pursuant to this
8 section may be imposed in increments of one-eighth of one percent, up to a
9 maximum of one percent. Such district sales and use tax may be imposed for any
10 district purpose designated by the district in its ballot of submission to its
11 qualified voters; except that, no resolution adopted pursuant to this section shall
12 become effective unless the board of directors of the district submits to the
13 qualified voters of the district, by mail-in ballot, a proposal to authorize a sales
14 and use tax pursuant to this section. If a majority of the votes cast by the
15 qualified voters on the proposed sales tax are in favor of the sales tax, then the

16 resolution is adopted. If a majority of the votes cast by the qualified voters are
17 opposed to the sales tax, then the resolution is void.

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

19 Shall the (insert name of district) Community Improvement
20 District impose a community improvement districtwide sales and use tax at the
21 maximum rate of (insert amount) for a period of (insert
22 number) years from the date on which such tax is first imposed for the purpose
23 of providing revenue for (insert general description
24 of the purpose)?

25 YES NO

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

28 3. Within ten days after the qualified voters have approved the imposition
29 of the sales and use tax, the district shall, in accordance with section 32.087,
30 notify the director of the department of revenue. The sales and use tax
31 authorized by this section shall become effective on the first day of the second
32 calendar quarter after the director of the department of revenue receives notice
33 of the adoption of such tax.

34 4. [The director of the department of revenue shall collect any tax adopted
35 pursuant to this section pursuant to section 32.087] **After the effective date
36 of any tax imposed under the provisions of this section, the director of
37 revenue shall perform all functions incident to the administration,
38 collection, enforcement, and operation of the tax and collect, in
39 addition to the sales tax for the state of Missouri, the additional tax
40 authorized under the authority of this section. The tax imposed under
41 this section and the tax imposed under the sales tax law of the state of
42 Missouri shall be collected together and reported upon such forms and
43 under such administrative rules and regulations as may be prescribed
44 by the director of revenue.**

45 5. In each district in which a sales and use tax is imposed pursuant to
46 this section, every retailer shall add such additional tax imposed by the district
47 to such retailer's sale price, and when so added such tax shall constitute a part
48 of the purchase price, shall be a debt of the purchaser to the retailer until paid
49 and shall be recoverable at law in the same manner as the purchase price.

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

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

57 [8.] 7. All revenue received by the district from a sales and use tax

58 imposed pursuant to this section which is designated for a specific purpose shall
 59 be deposited into a special trust fund and expended solely for such
 60 purpose. Upon the expiration of any sales and use tax adopted pursuant to this
 61 section, all funds remaining in the special trust fund shall continue to be used
 62 solely for the specific purpose designated in the resolution adopted by the
 63 qualified voters. Any funds in such special trust fund which are not needed for
 64 current expenditures may be invested by the board of directors pursuant to
 65 applicable laws relating to the investment of other district funds.

66 [9.] 8. A district may repeal by resolution any sales and use tax imposed
 67 pursuant to this section before the expiration date of such sales and use tax
 68 unless the repeal of such sales and use tax will impair the district's ability to
 69 repay any liabilities the district has incurred, moneys the district has borrowed
 70 or obligation the district has issued to finance any improvements or services
 71 rendered for the district.

72 [10.] 9. Notwithstanding the provisions of chapter 115, an election for a
 73 district sales and use tax under this section shall be conducted in accordance with
 74 the provisions of this section.

75 **10. Except as provided in this section, all provisions of sections**
 76 **32.085 to 32.087 shall apply to the tax imposed under this section.**

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

16 Shall County or City, solely for the purpose of establishing a
 17 community children's services fund for the purpose of providing services to protect
 18 the well-being and safety of children and youth nineteen years of age or less and
 19 to strengthen families, be authorized to levy a sales tax of (not to exceed
 20 one-quarter of a cent) in the city or county?

21 YES NO

22 If a majority of the votes cast on the question by the qualified voters voting
 23 thereon are in favor of the question, then the ordinance or order and any

24 amendments thereto shall be in effect on the first day of the second calendar
25 quarter after the director receives notification of the local sales tax. If a question
26 receives less than the required majority, then the governing authority of the city
27 or county, or city not within a county, shall have no power to impose the sales tax
28 unless and until the governing authority of the city or county, or city not within
29 a county, has submitted another question to authorize the imposition of the sales
30 tax authorized by this section and such question is approved by the required
31 majority of the qualified voters voting thereon. However, in no event shall a
32 question under this section be submitted to the voters sooner than twelve months
33 from the date of the last question under this section.

34 2. After the effective date of any tax imposed under the provisions of this
35 section, the director of revenue shall perform all functions incident to the
36 administration, collection, enforcement, and operation of the tax and the director
37 of revenue shall collect in addition to the sales tax for the state of Missouri the
38 additional tax authorized under the authority of this section.

39 The tax imposed under this section and the tax imposed under the sales tax law
40 of the state of Missouri shall be collected together and reported upon such forms
41 and under such administrative rules and regulations as may be prescribed by the
42 director of revenue.

43 3. All sales taxes collected by the director of revenue under this section
44 on behalf of any city or county, or city not within a county[, less one percent for
45 the cost of collection, which shall be deposited in the state's general revenue fund
46 after payment of premiums for surety bonds as provided in section 32.087,] shall
47 be deposited with the state treasurer in a special fund, which is hereby created,
48 to be known as the "Community Children's Services Fund". [The moneys in the
49 city or county, or city not within a county, community children's services fund
50 shall not be deemed to be state funds and shall not be commingled with any funds
51 of the state.] The director of revenue shall keep accurate records of the amount
52 of money in the fund which was collected in each city or county, or city not within
53 a county, imposing a sales tax under this section, and the records shall be open
54 to the inspection of officers of each city or county, or city not within a county, and
55 the general public. Not later than the tenth day of each month, the director of
56 revenue shall distribute all moneys deposited in the fund during the preceding
57 month by distributing to the city or county treasurer, or the treasurer of a city
58 not within a county, or such other officer as may be designated by a city or county
59 ordinance or order, or ordinance or order of a city not within a county, of each city
60 or county, or city not within a county, imposing the tax authorized by this section,
61 the sum, as certified by the director of revenue, due the city or county.

62 4. The director of revenue may authorize the state treasurer to make
63 refunds from the amounts in the fund and credited to any city or county, or city
64 not within a county, for erroneous payments and overpayments made, and may
65 redeem dishonored checks and drafts deposited to the credit of such

66 counties. Each city or county, or city not within a county, shall notify the director
 67 of revenue at least ninety days prior to the effective date of the expiration of the
 68 sales tax authorized by this section and **the repeal shall be effective as**
 69 **provided by section 32.087.** The director of revenue may order retention in
 70 the fund, for a period of one year, of two percent of the amount collected after
 71 receipt of such notice to cover possible refunds or overpayment of such tax and
 72 to redeem dishonored checks and drafts deposited to the credit of such
 73 accounts. After one year has elapsed after the date of expiration of the tax
 74 authorized by this section in such city not within a county or such city or county,
 75 the director of revenue shall remit the balance in the account to the city or
 76 county, or city not within a county, and close the account of that city or county,
 77 or city not within a county. The director of revenue shall notify each city or
 78 county, or city not within a county, of each instance of any amount refunded or
 79 any check redeemed from receipts due the city or county.

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

82 6. All revenues generated by the tax prescribed in this section shall be
 83 deposited in the county treasury or, in a city not within a county, to the board
 84 established by law to administer such fund to the credit of a special community
 85 children's services fund to accomplish the purposes set out herein and in section
 86 210.861, and shall be used for no other purpose. Such fund shall be administered
 87 by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents
 2 of such district a tax of not more than one percent on all retail sales, except sales
 3 of [food as defined in section 144.014, sales of] new or used motor vehicles,
 4 trailers, boats, or other outboard motors, [all utilities, telephone and wireless
 5 services,] and sales of funeral services, made **on or after January 1, 2017,**
 6 within the district which are subject to taxation pursuant to the provisions of
 7 sections 144.010 to 144.525. Upon the written request of the board to the election
 8 authority of the county in which a majority of the area of the district is situated,
 9 such election authority shall submit a proposition to the residents of such district
 10 at a municipal or statewide primary or general election, or at a special election
 11 called for that purpose. Such election authority shall give legal notice as
 12 provided in chapter 115.

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

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

17 YES NO

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

20 If a majority of the votes cast on the proposal by the qualified voters of the

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

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

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

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

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

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

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

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

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

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

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

27 (9) Any county of the third classification without a township form of
28 government and with more than nineteen thousand three hundred but less than
29 nineteen thousand four hundred inhabitants;

30 (10) Any county of the first classification with more than two hundred
31 forty thousand three hundred but less than two hundred forty thousand four
32 hundred inhabitants;

33 (11) Any county of the third classification with a township form of
34 government and with more than eight thousand nine hundred but fewer than

35 nine thousand inhabitants;

36 (12) Any county of the third classification without a township form of
37 government and with more than eighteen thousand nine hundred but fewer than
38 nineteen thousand inhabitants;

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

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

45 3. Whenever not less than fifty owners of real property located within any
46 county listed in subsection 2 of this section desire to create an exhibition center
47 and recreational facility district, the property owners shall file a petition with the
48 governing body of each county located within the boundaries of the proposed
49 district requesting the creation of the district. The district boundaries may
50 include all or part of the counties described in this section. The petition shall
51 contain the following information:

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

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

56 (3) The name of the proposed district.

57 4. Upon the filing of a petition pursuant to this section, the governing
58 body of any county described in this section may, by resolution, approve the
59 creation of a district. Any resolution to establish such a district shall be adopted
60 by the governing body of each county located within the proposed district, and
61 shall contain the following information:

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

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

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

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

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

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

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

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

78 6. Following the hearing, if the governing body of each county located
79 within the proposed district decides to establish the proposed district, it shall
80 adopt an order to that effect; if the governing body of any county located within
81 the proposed district decides to not establish the proposed district, the boundaries
82 of the proposed district shall not include that county. The order shall contain the
83 following:

84 (1) The description of the boundaries of the district;

85 (2) A statement that an exhibition center and recreational facility district
86 has been established;

87 (3) The name of the district;

88 (4) The uses for any revenue generated by a sales tax imposed pursuant
89 to this section; and

90 (5) A declaration that the district is a political subdivision of the state.

91 7. A district established pursuant to this section may, at a general,
92 primary, or special election, submit to the qualified voters within the district
93 boundaries a sales tax of one-fourth of one percent, for a period not to exceed
94 twenty-five years, on all retail sales within the district, which are subject to
95 taxation pursuant to sections 144.010 to 144.525, to fund the acquisition,
96 construction, maintenance, operation, improvement, and promotion of an
97 exhibition center and recreational facilities. The ballot of submission shall be in
98 substantially the following form:

99 Shall the (name of district) impose a sales tax
100 of one-fourth of one percent to fund the acquisition, construction, maintenance,
101 operation, improvement, and promotion of an exhibition center and recreational
102 facilities, for a period of (insert number of years)?

103 YES NO

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

106 If a majority of the votes cast in the portion of any county that is part of the
107 proposed district favor the proposal, then the sales tax shall become effective in
108 that portion of the county [that is part of the proposed district on the first day of
109 the first calendar quarter immediately following the election] **as provided by**
110 **section 32.087**. If a majority of the votes cast in the portion of a county that is
111 a part of the proposed district oppose the proposal, then that portion of such
112 county shall not impose the sales tax authorized in this section until after the
113 county governing body has submitted another such sales tax proposal and the
114 proposal is approved by a majority of the qualified voters voting thereon.

115 However, if a sales tax proposal is not approved, the governing body of the county
116 shall not resubmit a proposal to the voters pursuant to this section sooner than
117 twelve months from the date of the last proposal submitted pursuant to this
118 section. If the qualified voters in two or more counties that have contiguous

119 districts approve the sales tax proposal, the districts shall combine to become one
120 district.

121 8. There is hereby created a board of trustees to administer any district
122 created and the expenditure of revenue generated pursuant to this section
123 consisting of four individuals to represent each county approving the district, as
124 provided in this subsection. The governing body of each county located within the
125 district, upon approval of that county's sales tax proposal, shall appoint four
126 members to the board of trustees; at least one shall be an owner of a nonlodging
127 business located within the taxing district, or their designee, at least one shall
128 be an owner of a lodging facility located within the district, or their designee, and
129 all members shall reside in the district except that one nonlodging business
130 owner, or their designee, and one lodging facility owner, or their designee, may
131 reside outside the district. Each trustee shall be at least twenty-five years of age
132 and a resident of this state. Of the initial trustees appointed from each county,
133 two shall hold office for two years, and two shall hold office for four years.

134 Trustees appointed after expiration of the initial terms shall be appointed to a
135 four-year term by the governing body of the county the trustee represents, with
136 the initially appointed trustee to remain in office until a successor is appointed,
137 and shall take office upon being appointed. Each trustee may be
138 reappointed. Vacancies shall be filled in the same manner in which the trustee
139 vacating the office was originally appointed. The trustees shall not receive
140 compensation for their services, but may be reimbursed for their actual and
141 necessary expenses. The board shall elect a chair and other officers necessary for
142 its membership. Trustees may be removed if:

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

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

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

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

151 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

152 (3) To enter into contracts, franchises, and agreements with any person
153 or entity, public or private, affecting the affairs of the district, including contracts
154 with any municipality, district, or state, or the United States, and any of their
155 agencies, political subdivisions, or instrumentalities, for the funding, including
156 without limitation interest rate exchange or swap agreements, planning,
157 development, construction, acquisition, maintenance, or operation of a single
158 exhibition center and recreational facilities or to assist in such
159 activity. "Recreational facilities" means locations explicitly designated for public
160 use where the primary use of the facility involves participation in hobbies or

161 athletic activities;

162 (4) To borrow money and incur indebtedness and evidence the same by
163 certificates, notes, or debentures, to issue bonds and use any one or more lawful
164 funding methods the district may obtain for its purposes at such rates of interest
165 as the district may determine. Any bonds, notes, and other obligations issued or
166 delivered by the district may be secured by mortgage, pledge, or deed of trust of
167 any or all of the property and income of the district. Every issue of such bonds,
168 notes, or other obligations shall be payable out of property and revenues of the
169 district and may be further secured by other property of the district, which may
170 be pledged, assigned, mortgaged, or a security interest granted for such payment,
171 without preference or priority of the first bonds issued, subject to any agreement
172 with the holders of any other bonds pledging any specified property or
173 revenues. Such bonds, notes, or other obligations shall be authorized by
174 resolution of the district board, and shall bear such date or dates, and shall
175 mature at such time or times, but not in excess of thirty years, as the resolution
176 shall specify. Such bonds, notes, or other obligations shall be in such
177 denomination, bear interest at such rate or rates, be in such form, either coupon
178 or registered, be issued as current interest bonds, compound interest bonds,
179 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such
180 manner, be payable in such place or places, and be subject to redemption as such
181 resolution may provide, notwithstanding section 108.170. The bonds, notes, or
182 other obligations may be sold at either public or private sale, at such interest
183 rates, and at such price or prices as the district shall determine;

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

186 (6) To refund any bonds, notes, or other obligations of the district without
187 an election. The terms and conditions of refunding obligations shall be
188 substantially the same as those of the original issue, and the board shall provide
189 for the payment of interest at not to exceed the legal rate, and the principal of
190 such refunding obligations in the same manner as is provided for the payment of
191 interest and principal of obligations refunded;

192 (7) To have the management, control, and supervision of all the business
193 and affairs of the district, and the construction, installation, operation, and
194 maintenance of district improvements therein; to collect rentals, fees, and other
195 charges in connection with its services or for the use of any of its facilities;

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

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

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

202 (11) To have and exercise all rights and powers necessary or incidental

203 to or implied from the specific powers granted by this section.

204 10. There is hereby created the "Exhibition Center and Recreational
205 Facility District Sales Tax Trust Fund", which shall consist of all sales tax
206 revenue collected pursuant to this section. The director of revenue shall be
207 custodian of the trust fund, and moneys in the trust fund shall be used solely for
208 the purposes authorized in this section. Moneys in the trust fund shall be
209 considered nonstate funds pursuant to section 15, article IV, Constitution of
210 Missouri. The director of revenue shall invest moneys in the trust fund in the
211 same manner as other funds are invested. Any interest and moneys earned on
212 such investments shall be credited to the trust fund. All sales taxes collected by
213 the director of revenue pursuant to this section on behalf of the district, less one
214 percent for the cost of collection which shall be deposited in the state's general
215 revenue fund after payment of premiums for surety bonds as provided in section
216 32.087, shall be deposited in the trust fund. The director of revenue shall keep
217 accurate records of the amount of moneys in the trust fund which was collected
218 in the district imposing a sales tax pursuant to this section, and the records shall
219 be open to the inspection of the officers of each district and the general
220 public. Not later than the tenth day of each month, the director of revenue shall
221 distribute all moneys deposited in the trust fund during the preceding month to
222 the district. The director of revenue may authorize refunds from the amounts in
223 the trust fund and credited to the district for erroneous payments and
224 overpayments made, and may redeem dishonored checks and drafts deposited to
225 the credit of the district.

226 11. The sales tax authorized by this section is in addition to all other
227 sales taxes allowed by law. **After the effective date of any tax imposed**
228 **under the provisions of this section, the director of revenue shall**
229 **perform all functions incident to the administration, collection,**
230 **enforcement, and operation of the tax and collect, in addition to the**
231 **sales tax for the state of Missouri, the additional tax authorized under**
232 **the authority of this section. The tax imposed under this section and**
233 **the tax imposed under the sales tax law of the state of Missouri shall be**
234 **collected together and reported upon such forms and under such**
235 **administrative rules and regulations as may be prescribed by the**
236 **director of revenue.**

237 12. Except as modified in this section, all provisions of sections 32.085
238 and 32.087 apply to the sales tax imposed pursuant to this section.

239 [12.] 13. Any sales tax imposed pursuant to this section shall not extend
240 past the initial term approved by the voters unless an extension of the sales tax
241 is submitted to and approved by the qualified voters in each county in the manner
242 provided in this section. Each extension of the sales tax shall be for a period not
243 to exceed twenty years. The ballot of submission for the extension shall be in
244 substantially the following form:

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

249 YES NO

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

252 If a majority of the votes cast favor the extension, then the sales tax shall remain
253 in effect at the rate and for the time period approved by the voters. If a sales tax
254 extension is not approved, the district may submit another sales tax proposal as
255 authorized in this section, but the district shall not submit such a proposal to the
256 voters sooner than twelve months from the date of the last extension submitted.

257 [13.] 14. Once the sales tax authorized by this section is abolished or
258 terminated by any means, all funds remaining in the trust fund shall be used
259 solely for the purposes approved in the ballot question authorizing the sales
260 tax. The sales tax shall not be abolished or terminated while the district has any
261 financing or other obligations outstanding; provided that any new financing, debt,
262 or other obligation or any restructuring or refinancing of an existing debt or
263 obligation incurred more than ten years after voter approval of the sales tax
264 provided in this section or more than ten years after any voter-approved
265 extension thereof shall not cause the extension of the sales tax provided in this
266 section or cause the final maturity of any financing or other obligations
267 outstanding to be extended. Any funds in the trust fund which are not needed
268 for current expenditures may be invested by the district in the securities
269 described in subdivisions (1) to (12) of subsection 1 of section 30.270 or
270 repurchase agreements secured by such securities. If the district abolishes the
271 sales tax, the district shall notify the director of revenue of the action at least
272 ninety days before the effective date of the repeal, and the director of revenue
273 may order retention in the trust fund, for a period of one year, of two percent of
274 the amount collected after receipt of such notice to cover possible refunds or
275 overpayment of the sales tax and to redeem dishonored checks and drafts
276 deposited to the credit of such accounts. After one year has elapsed after the
277 effective date of abolition of the sales tax in the district, the director of revenue
278 shall remit the balance in the account to the district and close the account of the
279 district. The director of revenue shall notify the district of each instance of any
280 amount refunded or any check redeemed from receipts due the district.

281 [14.] 15. In the event that the district is dissolved or terminated by any
282 means, the governing bodies of the counties in the district shall appoint a person
283 to act as trustee for the district so dissolved or terminated. Before beginning the
284 discharge of duties, the trustee shall take and subscribe an oath to faithfully
285 discharge the duties of the office, and shall give bond with sufficient security,
286 approved by the governing bodies of the counties, to the use of the dissolved or

287 terminated district, for the faithful discharge of duties. The trustee shall have
 288 and exercise all powers necessary to liquidate the district, and upon satisfaction
 289 of all remaining obligations of the district, shall pay over to the county treasurer
 290 of each county in the district and take receipt for all remaining moneys in
 291 amounts based on the ratio the levy of each county bears to the total levy for the
 292 district in the previous three years or since the establishment of the district,
 293 whichever time period is shorter. Upon payment to the county treasurers, the
 294 trustee shall deliver to the clerk of the governing body of any county in the
 295 district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification
 2 with more than one thousand six hundred but less than one thousand seven
 3 hundred inhabitants and located in any county of the first classification with
 4 more than seventy-three thousand seven hundred but less than seventy-three
 5 thousand eight hundred inhabitants is hereby authorized to impose, by ordinance
 6 or order, a sales tax in the amount not to exceed one-half of one percent on all
 7 retail sales made in such city which are subject to taxation pursuant to sections
 8 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized
 9 by this section shall be in addition to any and all other sales taxes allowed by
 10 law, except that no ordinance or order imposing a sales tax pursuant to this
 11 section shall be effective unless the governing authority of the city submits to the
 12 qualified voters of the city, at any municipal or state general, primary, or special
 13 election, a proposal to authorize the governing authority of the city to impose a
 14 tax.

15 2. The ballot of submission shall be in substantially the following form:
 16 Shall the city of (city's name) impose a citywide sales tax of
 17 (insert amount) for the purpose of promoting tourism in the city?

18 YES NO

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

21 If a majority of the votes cast on the proposal by the qualified voters voting
 22 thereon are in favor of the proposal, then the ordinance or order and any
 23 amendments thereto shall be in effect [on the first day of the first calendar
 24 quarter immediately following notification to the director of the department of
 25 revenue of the election approving the proposal] **as provided by section 32.087.**

26 If a proposal receives less than the required majority, then the governing
 27 authority of the city shall have no power to impose the sales tax unless and until
 28 the governing authority of the city has submitted another proposal to authorize
 29 the imposition of the sales tax authorized by this section and such proposal is
 30 approved by the required majority of the qualified voters voting
 31 thereon. However, in no event shall a proposal pursuant to this section be
 32 submitted to the voters sooner than twelve months from the date of the last
 33 proposal pursuant to this section.

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

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

40 (2) The city may enter into an agreement with the director of revenue of
41 the state of Missouri for the purpose of collecting the tax authorized in this
42 section. In the event any city enters into an agreement with the director of
43 revenue of the state of Missouri for the collection of the tax authorized in this
44 section, the director of revenue shall perform all functions incident to the
45 administration, collection, enforcement, and operation of such tax, and the
46 director of revenue shall collect the additional tax authorized in this section. The
47 tax authorized in this section shall be collected and reported upon such forms and
48 under such administrative rules and regulations as may be prescribed by the
49 director of revenue, and the director of revenue shall retain an amount not to
50 exceed one percent for cost of collection.

51 4. If a tax is imposed by a city pursuant to this section, the city may
52 collect a penalty of one percent and interest not to exceed two percent per month
53 on unpaid taxes which shall be considered delinquent thirty days after the last
54 day of each quarter] **After the effective date of any tax imposed under the**
55 **provisions of this section, the director of revenue shall perform all**
56 **functions incident to the administration, collection, enforcement, and**
57 **operation of the tax and collect, in addition to the sales tax for the**
58 **state of Missouri, the additional tax authorized under the authority of**
59 **this section. The tax imposed under this section and the tax imposed**
60 **under the sales tax law of the state of Missouri shall be collected**
61 **together and reported upon such forms and under such administrative**
62 **rules and regulations as may be prescribed by the director of revenue.**

63 [5.] 4. (1) The governing authority of any city that has adopted any sales
64 tax pursuant to this section shall, upon filing of a petition calling for the repeal
65 of such sales tax signed by at least ten percent of the qualified voters in the city,
66 submit the question of repeal of the sales tax to the qualified voters at any
67 primary or general election. The ballot of submission shall be in substantially the
68 following form:

69 Shall (insert name of city) repeal the sales tax of (insert
70 rate of percent) percent for tourism purposes now in effect in (insert name of
71 city)?

72 YES NO

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

75 If a majority of the votes cast on the proposal are in favor of repeal, that repeal

76 shall become effective on December thirty-first of the calendar year in which such
77 repeal was approved. **If the city or county abolishes the tax, the city or**
78 **county shall notify the director of revenue of the action at least one**
79 **hundred twenty days prior to the effective date of the repeal.**

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

86 (3) The governing authority of a city repealing a tax pursuant to this
87 section shall notify the director of revenue of the action at least forty-five days
88 before the effective date of the repeal and the director of revenue may order
89 retention in any trust fund created in the state treasury associated with the tax,
90 for a period of one year, of two percent of the amount collected after receipt of
91 such notice to cover refunds or overpayment of the tax and to redeem dishonored
92 checks and drafts deposited to the credit of such accounts. After one year has
93 elapsed after the effective date of repeal of the tax in the city, the director of
94 revenue shall remit the balance in the trust fund to the city and close the account
95 of that city. The director of revenue shall notify each city of each instance of any
96 amount refunded or any check redeemed from receipts due the city.

97 (4) In the event that the repeal of a sales tax pursuant to this section
98 dissolves or terminates a taxing district, the governing authority of the city shall
99 appoint a person to act as trustee for the district so dissolved or
100 terminated. Before beginning the discharge of duties, the trustee shall take and
101 subscribe an oath to faithfully discharge the duties of the office, and shall give
102 bond with sufficient security, approved by the governing authority of the city, to
103 the use of the dissolved or terminated district, for the faithful discharge of
104 duties. The trustee shall have and exercise all powers necessary to liquidate the
105 district, and upon satisfaction of all remaining obligations of the district, shall
106 pay over to the city treasurer or the equivalent official and take receipt for all
107 remaining moneys. Upon payment to the city treasurer, the trustee shall deliver
108 to the clerk of the governing authority of the city all books, papers, records, and
109 deeds belonging to the dissolved district.

110 [6.] 5. Except as modified in this section, all provisions of sections 32.085
111 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

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

3 (1) As to those subdistricts in which there are registered voters, a resident
4 registered voter in the subdistrict that he or she represents, or be a property
5 owner or, as to those subdistricts in which there are not registered voters who are
6 residents, a property owner or representative of a property owner in the

7 subdistrict he or she represents;

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

10 2. The district shall be subdivided into at least five but not more than
11 fifteen subdistricts, which shall be represented by one representative on the
12 district board of directors. All board members shall have terms of four years,
13 including the initial board of directors. All members shall take office upon being
14 appointed and shall remain in office until a successor is appointed by the mayor
15 or chairman of the municipality in which the district is located, or elected by the
16 property owners in those subdistricts without registered voters.

17 3. For those subdistricts which contain one or more registered voters, the
18 mayor or chairman of the city, town, or village shall, with the consent of the
19 governing body, appoint a registered voter residing in the subdistrict to the board
20 of directors.

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

33 5. The property owners, when assembled, shall organize by the election
34 of a temporary chairman and secretary of the meeting who shall conduct the
35 election. An election shall be conducted for each subdistrict, with the eligible
36 property owners voting in that subdistrict. At the election, each acre of real
37 property within the subdistrict shall represent one share, and each owner,
38 including corporations and other entities, may have one vote in person or for
39 every acre of real property owned by such person within the subdistrict. Each
40 voter which is not an individual shall determine how to cast its vote as provided
41 for in its articles of incorporation, articles of organization, articles of partnership,
42 bylaws, or other document which sets forth an appropriate mechanism for the
43 determination of the entity's vote. If a voter has no such mechanism, then its
44 vote shall be cast as determined by a majority of the persons who run the
45 day-to-day affairs of the voter. The results of the meeting shall be certified by the
46 temporary chairman and secretary to the municipal clerk if the district is
47 established by a municipality described in this section, or to the circuit clerk if
48 the district is established by a circuit court.

49 6. Successor boards shall be appointed or elected, depending upon the
50 presence or absence of resident registered voters, by the mayor or chairman of a
51 city, town, or village described in this section, or the property owners as set forth
52 above; provided, however, that elections held by the property owners after the
53 initial board is elected shall be certified to the municipal clerk of the city, town,
54 or village where the district is located and the board of directors of the district.

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

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

63 (1) The power to fund, promote and provide educational, civic, musical,
64 theatrical, cultural, concerts, lecture series, and related or similar entertainment
65 events or activities, and fund, promote, plan, design, construct, improve,
66 maintain, and operate public improvements, transportation projects, and related
67 facilities within the district;

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

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

71 9. Within thirty days after the selection of the initial directors, the board
72 shall meet. At its first meeting and annually thereafter the board shall elect a
73 chairman from its members.

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

76 11. At the first meeting, the board, by resolution, shall define the first and
77 subsequent fiscal years of the district, and shall adopt a corporate seal.

78 12. A simple majority of the board shall constitute a quorum. If a quorum
79 exists, a majority of those voting shall have the authority to act in the name of
80 the board, and approve any board resolution.

81 13. At the first meeting, the board, by resolution, shall receive the
82 certification of the election regarding the sales tax, and may impose the sales tax
83 in all subdistricts approving the imposing sales tax. In those subdistricts that
84 approve the sales tax, the sales tax shall become effective [on the first day of the
85 first calendar quarter immediately following the action by the district board of
86 directors imposing the tax] **as provided by section 32.087.**

87 14. Each director shall devote such time to the duties of the office as the
88 faithful discharge thereof may require and be reimbursed for his or her actual
89 expenditures in the performance of his or her duties on behalf of the
90 district. Directors may be compensated, but such compensation shall not exceed

91 one hundred dollars per month.

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

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

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

97 (3) To enter into contracts, franchises, and agreements with any person
98 or entity, public or private, affecting the affairs of the district, including contracts
99 with any municipality, district, or state, or the United States, and any of their
100 agencies, political subdivisions, or instrumentalities, for the funding, including
101 without limitation, interest rate exchange or swap agreements, planning,
102 development, construction, acquisition, maintenance, or operation of a district
103 facility or to assist in such activity;

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

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

108 (6) To collect taxes and other revenues;

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

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

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

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

119 (11) To enter into entertainment contracts binding the district and artists,
120 agencies, or performers, management contracts, contracts relating to the booking
121 of entertainment and the sale of tickets, and all other contracts which relate to
122 the purposes of the district;

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

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

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

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

133 obligations:

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

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

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

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

143 (5) Shall be in such denomination, bear interest at such rates, be in such
144 form, be issued as current interest bonds, compound interest bonds, variable rate
145 bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be
146 payable in such place or places and subject to redemption as such resolution may
147 provide; and

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

150 The provisions of this subsection are applicable to the district notwithstanding
151 the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be
2 refunded at any time by the district by issuing refunding bonds in such amount
3 as the district may deem necessary. Such bonds shall be subject to and shall
4 have the benefit of the foregoing provisions regarding notes, bonds, and other
5 obligations. Without limiting the generality of the foregoing, refunding bonds
6 may include amounts necessary to finance any premium, unpaid interest, and
7 costs of issuance in connection with the refunding bonds. Any such refunding
8 may be effected whether the bonds to be refunded then shall have matured or
9 thereafter shall mature, either by sale of the refunding bonds and the application
10 of the proceeds thereof to the payment of the obligations being refunded or the
11 exchange of the refunding bonds for the obligations being refunded with the
12 consent of the holders of the obligations being refunded.

13 2. Notes, bonds, or other indebtedness of the district shall be exclusively
14 the responsibility of the district payable solely out of the district funds and
15 property and shall not constitute a debt or liability of the state of Missouri or any
16 agency or political subdivision of the state. Any notes, bonds, or other
17 indebtedness of the district shall state on their face that they are not obligations
18 of the state of Missouri or any agency or political subdivision thereof other than
19 the district.

20 3. Any district may by resolution impose a district sales tax of up to
21 one-half of one percent on all retail sales made in such district that are subject
22 to taxation pursuant to the provisions of sections 144.010 to 144.525.

23 Upon voter approval, and receiving the necessary certifications from the

24 governing body of the municipality in which the district is located, or from the
25 circuit court if the district was formed by the circuit court, the board of directors
26 shall have the power to impose a sales tax at its first meeting, or any meeting
27 thereafter. Voter approval of the question of the imposing sales tax shall be in
28 accordance with section 67.2520. [The sales tax shall become effective in those
29 subdistricts that approve the sales tax on the first day of the first calendar
30 quarter immediately following the passage of a resolution by the board of
31 directors imposing the sales tax.

32 4. In each district in which a sales tax has been imposed in the manner
33 provided by this section, every retailer shall add the tax imposed by the district
34 pursuant to this section to the retailer's sale price, and when so added, such tax
35 shall constitute a part of the price, shall be a debt of the purchaser to the retailer
36 until paid, and shall be recoverable at law in the same manner as the purchase
37 price.

38 5. In order to permit sellers required to collect and report the sales tax
39 authorized by this section to collect the amount required to be reported and
40 remitted, but not to change the requirements of reporting or remitting tax or to
41 serve as a levy of the tax, and in order to avoid fractions of pennies, the district
42 may establish appropriate brackets which shall be used in the district imposing
43 a tax pursuant to this section in lieu of those brackets provided in section
44 144.285.

45 6.] 4. All revenue received by a district from the sales tax authorized by
46 this section shall be deposited in a special trust fund and shall be used solely for
47 the purposes of the district. Any funds in such special trust fund which are not
48 needed for the district's current expenditures may be invested by the district
49 board of directors in accordance with applicable laws relating to the investment
50 of other district funds.

51 [7.] 5. The sales tax may be imposed at a rate of up to one-half of one
52 percent on the receipts from the sale at retail of all tangible personal property or
53 taxable services at retail within the district adopting such tax, if such property
54 and services are subject to taxation by the state of Missouri pursuant to the
55 provisions of sections 144.010 to 144.525. Any district sales tax imposed
56 pursuant to this section shall be imposed at a rate that shall be uniform
57 throughout the subdistricts approving the sales tax.

58 [8. The resolution imposing the sales tax pursuant to this section shall
59 impose upon all sellers a tax for the privilege of engaging in the business of
60 selling tangible personal property or rendering taxable services at retail to the
61 extent and in the manner provided in sections 144.010 to 144.525 and the rules
62 and regulations of the director of revenue issued pursuant thereto; except that
63 the rate of the tax shall be the rate imposed by the resolution as the sales tax and
64 the tax shall be reported and returned to and collected by the district.

65 9. (1) On and after the effective date of any sales tax imposed pursuant

66 to this section, the district shall perform all functions incident to the
67 administration, collection, enforcement, and operation of the tax. The sales tax
68 imposed pursuant to this section shall be collected and reported upon such forms
69 and under such administrative rules and regulations as may be prescribed by the
70 district.

71 **(2)] 6. After the effective date of any tax imposed under the**
72 **provisions of this section, the director of revenue shall perform all**
73 **functions incident to the administration, collection, enforcement, and**
74 **operation of the tax and collect, in addition to the sales tax for the**
75 **state of Missouri, the additional tax authorized under the authority of**
76 **this section. The tax imposed under this section and the tax imposed**
77 **under the sales tax law of the state of Missouri shall be collected**
78 **together and reported upon such forms and under such administrative**
79 **rules and regulations as may be prescribed by the director of revenue.**

80 **7.** All [such] sales taxes [collected by the district] shall be deposited by
81 the district in a special fund to be expended for the purposes authorized in this
82 section. The district shall keep accurate records of the amount of money which
83 was collected pursuant to this section, and the records shall be open to the
84 inspection of officers of each district and the general public.

85 [(3) The district may contract with the municipality that the district is
86 within for the municipality to collect any revenue received by the district and,
87 after deducting the cost of such collection, but not to exceed one percent of the
88 total amount collected, deposit such revenue in a special trust account. Such
89 revenue and interest may be applied by the municipality to expenses, costs, or
90 debt service of the district at the direction of the district as set forth in a contract
91 between the municipality and the district.

92 **10. (1)** All applicable provisions contained in sections 144.010 to 144.525
93 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the
94 uniform confidentiality provision, shall apply to the collection of the tax imposed
95 by this section, except as modified in this section.

96 **(2)** All exemptions granted to agencies of government, organizations,
97 persons, and to the sale of certain articles and items of tangible personal property
98 and taxable services pursuant to the provisions of sections 144.010 to 144.525 are
99 hereby made applicable to the imposition and collection of the tax imposed by this
100 section.

101 **(3)** The same sales tax permit, exemption certificate, and retail certificate
102 required by sections 144.010 to 144.525 for the administration and collection of
103 the state sales tax shall satisfy the requirements of this section, and no
104 additional permit or exemption certificate or retail certificate shall be required;
105 except that the district may prescribe a form of exemption certificate for an
106 exemption from the tax imposed by this section.

107 **(4)** All discounts allowed the retailer pursuant to the provisions of the

108 state sales tax laws for the collection of and for payment of taxes pursuant to
109 such laws are hereby allowed and made applicable to any taxes collected pursuant
110 to the provisions of this section.

111 (5) The penalties provided in section 32.057 and sections 144.010 to
112 144.525 for violation of those sections are hereby made applicable to violations
113 of this section.

114 (6) For the purpose of a sales tax imposed by a resolution pursuant to this
115 section, all retail sales shall be deemed to be consummated at the place of
116 business of the retailer unless the tangible personal property sold is delivered by
117 the retailer or the retailer's agent to an out-of-state destination or to a common
118 carrier for delivery to an out-of-state destination. In the event a retailer has
119 more than one place of business in this state which participates in the sale, the
120 sale shall be deemed to be consummated at the place of business of the retailer
121 where the initial order for the tangible personal property is taken, even though
122 the order must be forwarded elsewhere for acceptance, approval of credit,
123 shipment, or billing. A sale by a retailer's employee shall be deemed to be
124 consummated at the place of business from which the employee works.

125 (7)] 8. Subsequent to the initial approval by the voters and
126 implementation of a sales tax in the district, the rate of the sales tax may be
127 increased, but not to exceed a rate of one-half of one percent on retail sales as
128 provided in this subsection. The election shall be conducted in accordance with
129 section 67.2520; provided, however, that the district board of directors may place
130 the question of the increase of the sales tax before the voters of the district by
131 resolution, and the municipal clerk of the city, town, or village which originally
132 conducted the incorporation of the district, or the circuit clerk of the court which
133 originally conducted the incorporation of the district, shall conduct the
134 subsequent election. In subsequent elections, the election judges shall certify the
135 election results to the district board of directors. The ballot of submission shall
136 be in substantially the following form:

137 Shall (name of district) increase the (insert amount)
138 percent district sales tax now in effect to..... (insert amount) in the
139 (name of district)?

140 YES NO

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

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

147 [11.] 9. (1) There shall not be any election as provided for in this section
148 while the district has any financing or other obligations outstanding.

149 (2) The board, when presented with a petition signed by at least one-third

150 of the registered voters in a district that voted in the last gubernatorial election,
 151 or signed by at least two-thirds of property owners of the district, calling for an
 152 election to dissolve and repeal the tax shall submit the question to the voters
 153 using the same procedure by which the imposing tax was voted. The ballot of
 154 submission shall be in substantially the following form:

155 Shall (name of district) dissolve and repeal the (insert
 156 amount) percent district sales tax now in effect in the (name of
 157 district)?

158 YES NO

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

161 Such subsequent elections for the repeal of the sales tax shall be conducted in
 162 accordance with section 67.2520; provided, however, that the district board of
 163 directors may place the question of the repeal of the sales tax before the voters
 164 of the district, and the municipal clerk of the city, town, or village which
 165 originally conducted the incorporation of the district, or the circuit clerk of the
 166 court which originally conducted the incorporation of the district, shall conduct
 167 the subsequent election. In subsequent elections the election judges shall certify
 168 the election results to the district board of directors.

169 (3) If a majority of the votes cast on the proposal by the qualified voters
 170 of the district voting thereon are in favor of repeal, that repeal shall become
 171 effective December thirty-first of the calendar year in which such repeal was
 172 approved or after the repayment of the district's indebtedness, whichever occurs
 173 later. **If the district abolishes the tax, the district shall notify the**
 174 **director of revenue of the action at least one hundred twenty days**
 175 **prior to the effective date of the repeal.**

176 [12.] **10.** (1) At such time as the board of directors of the district
 177 determines that further operation of the district is not in the best interests of the
 178 inhabitants of the district, and that the district should dissolve, the board shall
 179 submit for a vote in an election held throughout the district the question of
 180 whether the district should be abolished. The question shall be submitted in
 181 substantially the following form:

182 Shall the theater, cultural arts, and entertainment district be
 183 abolished?

184 YES NO

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

187 (2) The district board shall not propose the question to abolish the district
 188 while there are outstanding claims or causes of action pending against the
 189 district, while the district liabilities exceed its assets, while indebtedness of the
 190 district is outstanding, or while the district is insolvent, in receivership or under

191 the jurisdiction of the bankruptcy court. Prior to submitting the question to
192 abolish the district to a vote of the entire district, the state auditor shall audit
193 the district to determine the financial status of the district, and whether the
194 district may be abolished pursuant to law. The vote on the abolition of the
195 district shall be conducted by the municipal clerk of the city, town, or village in
196 which the district is located. The procedure shall be the same as in section
197 67.2520, except that the question shall be determined by the qualified voters of
198 the entire district. No individual subdistrict may be abolished, except at such
199 time as the district is abolished.

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

202 (4) Upon receipt by the board of directors of the district of the certification
203 by the city, town, or village in which the district is located that the majority of
204 those voting within the entire district have voted to abolish the district, and if the
205 state auditor has determined that the district's financial condition is such that
206 it may be abolished pursuant to law, then the board of directors of the district
207 shall:

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

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

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

217 (d) Cause copies of that resolution under seal to be filed with the
218 secretary of state and the city, town, or village in which the district is
219 located. Upon the completion of the final act specified in this subsection, the
220 legal existence of the district shall cease.

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

223 **11. Except as provided in this section, all provisions of sections**
224 **32.085 to 32.087 shall apply to the tax imposed under this section.**

94.578. 1. In addition to the sales tax authorized in section 94.577, the
2 governing body of any home rule city with more than one hundred fifty-one
3 thousand five hundred but less than one hundred fifty-one thousand six hundred
4 inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on
5 all retail sales made within the city which are subject to sales tax under chapter
6 144. The tax authorized in this section may be imposed at a rate of one-eighth,
7 one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half
8 of one percent, shall not be imposed for longer than three years, and shall be

9 imposed solely for the purpose of funding the construction, operation, and
10 maintenance of capital improvements in the city's center city. The governing
11 body may issue bonds for the funding of such capital improvements, which will
12 be retired by the revenues received from the sales tax authorized by this
13 section. The order or ordinance shall not become effective unless the governing
14 body of the city submits to the voters residing within the city at a state or
15 municipal general, primary, or special election a proposal to authorize the
16 governing body of the city to impose a tax under this section. The tax authorized
17 in this section shall be in addition to all other sales taxes imposed by law, and
18 shall be stated separately from all other charges and taxes.

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

21 Shall (insert the name of the city) impose a sales tax at a
22 rate of(insert rate of percent) percent for [a] capital improvements
23 purposes in the city's center city for a period of (insert number of years,
24 not to exceed three) years?

25 YES NO

26 If a majority of the votes cast on the question by the qualified voters voting
27 thereon are in favor of the question, then the tax shall become effective on the
28 first day of the second calendar quarter after the director of revenue receives
29 notice of the adoption of the sales tax. If a majority of the votes cast on the
30 question by the qualified voters voting thereon are opposed to the question, then
31 the tax shall not become effective unless and until the question is resubmitted
32 under this section to the qualified voters and such question is approved by a
33 majority of the qualified voters voting on the question. In no case shall a tax be
34 resubmitted to the qualified voters of the city sooner than twelve months from the
35 date of the proposal under this section.

36 3. Any sales tax imposed under this section shall be administered,
37 collected, enforced, and operated as required in [section] **sections 32.085 to**
38 **32.087**. All revenue generated by the tax shall be deposited in a special trust
39 fund and shall be used solely for the designated purposes. If the tax is repealed,
40 all funds remaining in the special trust fund shall continue to be used solely for
41 the designated purposes. Any funds in the special trust fund which are not
42 needed for current expenditures shall be invested in the same manner as other
43 funds are invested. Any interest and moneys earned on such investments shall
44 be credited to the fund.

45 4. The director of revenue may authorize the state treasurer to make
46 refunds from the amounts in the trust fund and credited to any city for erroneous
47 payments and overpayments made, and may redeem dishonored checks and drafts
48 deposited to the credit of such cities. If any city abolishes the tax, the city shall
49 notify the director of revenue of the action at least ninety days before the effective
50 date of the repeal, and the director of revenue may order retention in the trust

51 fund, for a period of one year, of two percent of the amount collected after receipt
 52 of such notice to cover possible refunds or overpayment of the tax and to redeem
 53 dishonored checks and drafts deposited to the credit of such accounts. After one
 54 year has elapsed after the effective date of abolition of the tax in such city, the
 55 director of revenue shall remit the balance in the account to the city and close the
 56 account of that city. The director of revenue shall notify each city of each
 57 instance of any amount refunded.

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

62 Shall (insert the name of the city) repeal the sales tax
 63 imposed at a rate of (insert rate of percent) percent for capital
 64 improvements purposes in the city's center city?

65 YES NO

66 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
 67 shall become effective on December thirty-first of the calendar year in which such
 68 repeal was approved. If a majority of the votes cast on the question by the
 69 qualified voters voting thereon are opposed to the repeal, then the sales tax
 70 authorized in this section shall remain effective until the question is resubmitted
 71 under this section to the qualified voters, and the repeal is approved by a
 72 majority of the qualified voters voting on the question. **If the city or county**
 73 **abolishes the tax, the city or county shall notify the director of revenue**
 74 **of the action at least one hundred twenty days prior to the effective**
 75 **date of the repeal.**

76 6. Whenever the governing body of any city that has adopted the sales tax
 77 authorized in this section receives a petition, signed by ten percent of the
 78 registered voters of the city voting in the last gubernatorial election, calling for
 79 an election to repeal the sales tax imposed under this section, the governing body
 80 shall submit to the voters of the city a proposal to repeal the tax. If a majority
 81 of the votes cast on the question by the qualified voters voting thereon are in
 82 favor of the repeal, that repeal shall become effective on December thirty-first of
 83 the calendar year in which such repeal was approved. If a majority of the votes
 84 cast on the question by the qualified voters voting thereon are opposed to the
 85 repeal, then the tax shall remain effective until the question is resubmitted under
 86 this section to the qualified voters and the repeal is approved by a majority of the
 87 qualified voters voting on the question.

88 **7. Except as provided in this section, all provisions of sections**
 89 **32.085 to 32.087 apply to the sales tax imposed under this section.**

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

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

9 3. With respect to any tax increment financing plan originally approved
10 by ordinance of the city council after March 31, 2009, in any home rule city with
11 more than four hundred thousand inhabitants and located in more than one
12 county, any three-eighths of one cent sales tax imposed under sections 94.600 to
13 94.655 shall not be considered economic activity taxes as such term is defined
14 under sections 99.805 and 99.918, and tax revenues derived from such taxes shall
15 not be subject to allocation under the provisions of subsection 3 of section 99.845
16 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed
17 in such city under sections 94.600 to 94.655 for constructing and operating a
18 light-rail transit system shall not be considered economic activity taxes as such
19 term is defined under sections 99.805 and 99.918, and tax revenues derived from
20 such tax shall not be subject to allocation under the provisions of subsection 3 of
21 section 99.845 or subsection 4 of section 99.957.

22 [4. If the boundaries of a city in which such sales tax has been imposed
23 shall thereafter be changed or altered, the city or county clerk shall forward to
24 the director of revenue by United States registered mail or certified mail a
25 certified copy of the ordinance adding or detaching territory from the city. The
26 ordinance shall reflect the effective date thereof, and shall be accompanied by a
27 map of the city clearly showing the territory added thereto or detached
28 therefrom. Upon receipt of the ordinance and map, the tax imposed by sections
29 94.600 to 94.655 shall be effective in the added territory or abolished in the
30 detached territory on the effective date of the change of the city boundary.]

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

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

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

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

16

 YES NO

17 Except as provided in subsection 4 of this section, if a majority of the votes cast
18 in that county or city not within a county on the proposal by the qualified voters
19 voting thereon are in favor of the proposal, then the tax shall go into effect [on
20 the first day of the next calendar quarter beginning after its adoption and notice
21 to the director of revenue, but no sooner than thirty days after such adoption and
22 notice] **as provided by section 32.087**. If a majority of the votes cast in that
23 county or city not within a county by the qualified voters voting are opposed to
24 the proposal, then the additional sales tax shall not be imposed in that county or
25 city not within a county unless and until the governing body of that county or city
26 not within a county shall have submitted another proposal to authorize the local
27 option transportation sales tax authorized in this section, and such proposal is
28 approved by a majority of the qualified voters voting on it. In no event shall a
29 proposal pursuant to this section be submitted to the voters sooner than twelve
30 months from the date of the last proposal.

31 4. No tax shall go into effect under this section in any city not within a
32 county or any county of the first classification having a charter form of
33 government with a population over nine hundred thousand inhabitants unless
34 and until both such city and such county approve the tax.

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

40 6. All sales taxes collected by the director of revenue under this section
41 on behalf of any city or county, less one percent for cost of collection which shall
42 be deposited in the state's general revenue fund after payment of premiums for
43 surety bonds, shall be deposited with the state treasurer in a special trust fund,
44 which is hereby created, to be known as the "County Public Transit Sales Tax
45 Trust Fund". The sales taxes shall be collected as provided in section
46 32.087. The moneys in the trust fund shall not be deemed to be state funds and
47 shall not be commingled with any funds of the state. The director of revenue
48 shall keep accurate records of the amount of money in the trust fund which was
49 collected in each city or county approving a sales tax under this section, and the
50 records shall be open to inspection by officers of the city or county and the
51 public. Not later than the tenth day of each month the director of revenue shall
52 distribute all moneys deposited in the trust fund during the preceding month to
53 the city or county which levied the tax, and such funds shall be deposited with
54 the treasurer of each such city or county and all expenditures of funds arising
55 from the county public transit sales tax trust fund shall be by an appropriation
56 act to be enacted by the governing body of each such county or city not within a
57 county.

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

62 8. The director of revenue may authorize the state treasurer to make
63 refunds from the amount in the trust fund and credited to any city or county for
64 erroneous payments and overpayments made, and may redeem dishonored checks
65 and drafts deposited to the credit of such cities or counties. If any city or county
66 abolishes the tax, the city or county shall notify the director of revenue of the
67 action at least ninety days prior to the effective date of the repeal and the
68 director of revenue may order retention in the trust fund, for a period of one year,
69 of two percent of the amount collected after receipt of such notice to cover possible
70 refunds or overpayment of the tax and to redeem dishonored checks and drafts
71 deposited to the credit of such accounts. After one year has elapsed after the
72 effective date of abolition of the tax in such city or county, the director of revenue
73 shall authorize the state treasurer to remit the balance in the account to the city
74 or county and close the account of that city or county. The director of revenue
75 shall notify each city or county of each instance of any amount refunded or any
76 check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose
2 a sales tax for transportation purposes enumerated in sections 94.700 to 94.755,
3 and issue bonds for transportation purposes which shall be retired by the
4 revenues received from the sales tax authorized by this section. The tax
5 authorized by this section shall be in addition to any and all other sales taxes
6 allowed by law. No ordinance imposing a sales tax pursuant to the provisions of
7 this section shall become effective unless the council or other governing body
8 submits to the voters of the city, at a city or state general, primary, or special
9 election, a proposal to authorize the council or other governing body of the city
10 to impose such a sales tax and, if such tax is to be used to retire bonds authorized
11 pursuant to this section, to authorize such bonds and their retirement by such
12 tax; except that no vote shall be required in any city that imposed and collected
13 such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of
14 the submission shall contain, but is not limited to, the following language:

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

17 Shall the city of (city's name) impose a sales tax
18 of (insert amount) for transportation purposes?

19 YES NO

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

22 (2) If the proposal submitted involves authorization to issue bonds and
23 repay such bonds with revenues from the tax authorized by this section, the

24 following language:

25 Shall the city of (city's name) issue bonds in the
26 amount of (insert amount) for transportation purposes and impose
27 a sales tax of (insert amount) to repay such bonds?

28 YES NO

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

31 If a majority of the votes cast on the proposal, provided in subdivision (1) of this
32 subsection, by the qualified voters voting thereon are in favor of the proposal,
33 then the ordinance and any amendments thereto shall be in effect. If the
34 four-sevenths majority of the votes, as required by the Missouri Constitution,
35 article VI, section 26, cast on the proposal, provided in subdivision (2) of this
36 subsection to issue bonds and impose a sales tax to retire such bonds, by the
37 qualified voters voting thereon are in favor of the proposal, then the ordinance
38 and any amendments thereto shall be in effect. If a majority of the votes cast on
39 the proposal, as provided in subdivision (1) of this subsection, by the qualified
40 voters voting thereon are opposed to the proposal, then the council or other
41 governing body of the city shall have no power to impose the tax authorized in
42 subdivision (1) of this subsection unless and until the council or other governing
43 body of the city submits another proposal to authorize the council or other
44 governing body of the city to impose the tax and such proposal is approved by a
45 majority of the qualified voters voting thereon. If more than three-sevenths of the
46 votes cast by the qualified voters voting thereon are opposed to the proposal, as
47 provided in subdivision (2) of this subsection to issue bonds and impose a sales
48 tax to retire such bonds, then the council or other governing body of the city shall
49 have no power to issue any bonds or to impose the tax authorized in subdivision
50 (2) of this subsection unless and until the council or other governing body of the
51 city submits another proposal to authorize the council or other governing body of
52 the city to issue such bonds or impose the tax to retire such bonds and such
53 proposal is approved by four-sevenths of the qualified voters voting thereon.

54 2. No incorporated municipality located wholly or partially within any
55 first class county operating under a charter form of government and having a
56 population of over nine hundred thousand inhabitants shall impose such a sales
57 tax for that part of the city, town or village that is located within such first class
58 county, in the event such a first class county imposes a sales tax under the
59 provisions of sections 94.600 to 94.655.

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

65 4. [If the boundaries of a city in which such sales tax has been imposed

66 shall thereafter be changed or altered, the city clerk shall forward to the director
67 of revenue by United States registered mail or certified mail a certified copy of
68 the ordinance adding or detaching territory from the city. The ordinance shall
69 reflect the effective date thereof, and shall be accompanied by a map of the city
70 clearly showing the territory added thereto or detached therefrom. Upon receipt
71 of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be
72 effective in the added territory or abolished in the detached territory on the
73 effective date of the change of the city boundary.

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

144.010. 1. The following words, terms, and phrases when used in
2 [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to
3 them in this section, except when the context indicates a different meaning:

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

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

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

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

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

24 (6) **"Ancillary services", services that are associated with or**
25 **incidental to the provisions of telecommunications services, including**
26 **but not limited to, detailed telecommunications billing, directory**
27 **assistance, vertical service, and voice mail services. Ancillary services**
28 **shall not include specified digital products, digital audio-visual works,**
29 **digital audio works, or digital books;**

30 (7) **"Appliance", clothes washers and dryers, water heaters, trash**
31 **compactors, dishwashers, conventional ovens, ranges, stoves, air**

32 conditioners, furnaces, refrigerators and freezers;

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

37 (a) Antimicrobial agents;

38 (b) Fluoride;

39 (c) Carbonation;

40 (d) Vitamins, minerals, and electrolytes;

41 (e) Oxygen;

42 (f) Preservatives; and

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

45 Bottled water includes water that is delivered to the buyer in a
46 reusable container that is not sold with the water;

47 (9) "Bundled transaction":

48 (a) The retail sale of two or more products, except real property
49 and services to real property, where the products are otherwise distinct
50 and identifiable, and the products are sold for one nonitemized price.
51 A bundled transaction shall not include the sale of any products in
52 which the sales price varies, or is negotiable, based on the selection by
53 the purchaser of the products included in the transaction;

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

56 a. Packaging, such as containers, boxes, sacks, bags, and bottles,
57 or other materials, such as wrapping, labels, tags, and instruction
58 guides, that accompany the retail sale of the products and are
59 incidental or immaterial to the retail sale thereof;

60 b. A product provided free of charge with the required purchase
61 of another product. A product is provided free of charge if the sales
62 price of the product purchased does not vary depending on the
63 inclusion of the product provided free of charge;

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

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

72 (d) a. A transaction that otherwise meets the definition of a
73 bundled transaction as defined in this subdivision shall not constitute

74 **a bundled transaction if it is:**

75 **(i) A retail sale of tangible personal property and a service**
76 **where the tangible personal property is essential to the use of the**
77 **service, and is provided exclusively in connection with the service, and**
78 **the true object of the transaction is the service; or**

79 **(ii) A retail sale of services where one service is provided that**
80 **is essential to the use of receipt of a second service and the first**
81 **service is provided exclusively in connection with the second service**
82 **and the true object of the transaction is the second service; or**

83 **(iii) A transaction that includes taxable products and nontaxable**
84 **products and the sales price of the taxable products is de minimis.**

85 **b. "De minimis" means the sales price of the taxable product is**
86 **ten percent or less of the total sales price of the bundled products.**

87 **c. Sellers shall use the sales price of the products to determine**
88 **if the taxable products are de minimis.**

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

91 **(ii) A retail sale of exempt tangible personal property and**
92 **taxable tangible personal property where:**

93 **i. The transaction included food and food ingredients, drugs,**
94 **durable medical equipment, mobility enhancing equipment,**
95 **over-the-counter drugs, prosthetic devices, or medical supplies; and**

96 **ii. The seller's purchase price or sales price of the taxable**
97 **tangible personal property is fifty percent or less of the total sales**
98 **price of the bundled tangible personal property. Sellers shall not use**
99 **a combination of the purchase price and sales price of the tangible**
100 **personal property when making the fifty percent determination for a**
101 **transaction;**

102 **(10) "Business" includes any activity engaged in by any person, or caused**
103 **to be engaged in by him, with the object of gain, benefit or advantage, either**
104 **direct or indirect, and the classification of which business is of such character as**
105 **to be subject to the terms of sections 144.010 to 144.525. A person is "engaging**
106 **in business" in this state for purposes of sections 144.010 to 144.525 if such**
107 **person "engages in business in this state" or "maintains a place of business in**
108 **this state" under section 144.605. The isolated or occasional sale of tangible**
109 **personal property, service, substance, or thing, by a person not engaged in such**
110 **business, does not constitute engaging in business within the meaning of sections**
111 **144.010 to 144.525 unless the total amount of the gross receipts from such sales,**
112 **exclusive of receipts from the sale of tangible personal property by persons which**
113 **property is sold in the course of the partial or complete liquidation of a**
114 **household, farm or nonbusiness enterprise, exceeds three thousand dollars in any**
115 **calendar year. The provisions of this subdivision shall not be construed to make**

116 any sale of property which is exempt from sales tax or use tax on June 1, 1977,
117 subject to that tax thereafter;

118 **[(3)] (11) "Calendar quarter", the period of three consecutive**
119 **calendar months ending on March thirty-first, June thirtieth,**
120 **September thirtieth or December thirty-first;**

121 **(12) "Call-by-call basis", any method of charging for**
122 **telecommunications services where the price is measured by individual**
123 **calls;**

124 **(13) "Candy", a preparation of sugar, honey, or other natural or**
125 **artificial sweeteners in combination with chocolate, fruits, nuts or**
126 **other ingredients or flavorings in the form of bars, drops, or**
127 **pieces. Candy shall not include any preparation containing flour and**
128 **shall require no refrigeration;**

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

134 **(15) "Certified automated system" or "CAS", software certified**
135 **under the streamlined sales and use tax agreement to calculate the tax**
136 **imposed by each jurisdiction on a transaction, determine the amount**
137 **of tax to remit to the appropriate state, and maintain a record of the**
138 **transaction;**

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

143 **(17) "Clothing":**

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

145 **(b) Clothing shall include:**

146 **a. Aprons, household and shop;**

147 **b. Athletic supporters;**

148 **c. Baby receiving blankets;**

149 **d. Bathing suits and caps;**

150 **e. Beach capes and coats;**

151 **f. Belts and suspenders;**

152 **g. Boots;**

153 **h. Coats and jackets;**

154 **i. Costumes;**

155 **j. Diapers, children and adult, including disposable diapers;**

156 **k. Ear muffs;**

157 **l. Footlets;**

- 158 **m. Formal wear;**
159 **n. Garters and garter belts;**
160 **o. Girdles;**
161 **p. Gloves and mittens for general use;**
162 **q. Hats and caps;**
163 **r. Hosiery;**
164 **s. Insoles for shoes;**
165 **t. Lab coats;**
166 **u. Neckties;**
167 **v. Overshoes;**
168 **w. Pantyhose;**
169 **x. Rainwear;**
170 **y. Rubber pants;**
171 **z. Sandals;**
172 **aa. Scarves;**
173 **bb. Shoes and shoe laces;**
174 **cc. Slippers;**
175 **dd. Sneakers;**
176 **ee. Socks and stockings;**
177 **ff. Steel toed shoes;**
178 **gg. Underwear;**
179 **hh. Uniforms, athletic and nonathletic; and**
180 **ii. Wedding apparel;**
181 **(c) Clothing shall not include:**
182 **a. Belt buckles sold separately;**
183 **b. Costume masks sold separately;**
184 **c. Patches and emblems sold separately;**
185 **d. Sewing equipment and supplies, including but not limited to,**
186 **knitting needles, patterns, pins, scissors, sewing machines, sewing**
187 **needles, tape measures, and thimbles; and**
188 **e. Sewing materials that become part of clothing, including but**
189 **not limited to buttons, fabric, lace, thread, yarn, and zippers;**
190 **(18) "Clothing accessories and equipment", incidental items worn**
191 **on the person or in conjunction with clothing. Clothing accessories or**
192 **equipment are mutually exclusive of clothing, sport or recreational**
193 **equipment, and protective equipment;**
194 **(19) "Coin-operated telephone service", a telecommunications**
195 **service paid for by inserting money into a telephone accepting direct**
196 **deposits of money to operate;**
197 **(20) "Communications channel", a physical or virtual path of**
198 **communications over which signals are transmitted between or among**
199 **customer channel termination points;**

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

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

207 (23) "Conference bridging service", an ancillary service that links
208 two or more participants of an audio or video conference call and may
209 include the provision of a telephone number. Conference bridging
210 service does not include the telecommunications services used to reach
211 the conference bridge;

212 (24) "Customer", the person or entity that contracts with the
213 seller of telecommunications services. If the end user of
214 telecommunications services is not the contracting party, the end user
215 of the telecommunications service is the customer of the
216 telecommunication service, but this definition only applies to the
217 purpose of sourcing sales of telecommunications services under section
218 144.043. Customer shall not include a reseller of telecommunications
219 service or for mobile telecommunications service of a serving carrier
220 under an agreement to serve the customer outside the home service
221 provider's licensed service area;

222 (25) "Customer channel termination point", the location where
223 the customer either inputs or receives the communication;

224 (26) "Delivered electronically", delivered to the purchaser by
225 means other than tangible storage media;

226 (27) "Delivery charges", charges by the seller of personal
227 property or services for preparation and delivery to a location
228 designated by the purchaser of personal property or services, including
229 but not limited to transportation, shipping, postage, handling, crating,
230 and packing;

231 (28) "Detailed telecommunications billing service", an ancillary
232 service of separately stating information pertaining to individual calls
233 on a customer's billing statement;

234 (29) "Dietary supplement", any product, other than tobacco,
235 intended to supplement the diet that contains one or more of the
236 following dietary ingredients: a vitamin; a mineral; an herb or other
237 botanical; an amino acid; a dietary substance for use by humans to
238 supplement the diet by increasing the total dietary intake; or a
239 concentrate, metabolite, constituent, extract, or combination of any
240 ingredient described above; and that is intended for ingestion in tablet,
241 capsule, powder, softgel, gelcap, or liquid form, or if not intended for

242 ingestion in such a form, is not represented as a conventional food and
243 is not represented for use as a sole item of a meal or of the diet; and
244 that is required to be labeled as a dietary supplement, identifiable by
245 the supplemental facts box found on the label and as required under 21
246 CFR Section 101.36;

247 (30) "Digital audio works", works that result from the fixation of
248 a series of musical, spoken, or other sounds, including ringtones;

249 (31) "Digital audio-visual works", a series of related images
250 which, when shown in succession, impart an impression of motion,
251 together with accompanying sounds, if any;

252 (32) "Digital books", works that are generally recognized in the
253 ordinary and usual sense as books;

254 (33) "Direct mail", printed material delivered or distributed by
255 United States mail or other delivery service to a mass audience or to
256 addressees on a mailing list provided by the purchaser or at the
257 direction of the purchaser when the cost of the items are not billed
258 directly to the recipients. Direct mail shall include tangible personal
259 property supplied directly or indirectly by the purchaser to the direct
260 mail seller for inclusion in the package containing the printed
261 material. Direct mail shall not include multiple items of printed
262 material delivered to a single address;

263 (34) "Directory assistance", an ancillary service of providing
264 telephone number information, and/or address information;

265 (35) "Drug":

266 (a) A compound, substance, or preparation, and any component
267 of a compound, substance, or preparation, other than food and food
268 ingredients, dietary supplements, alcoholic beverages, or grooming and
269 hygiene products:

270 a. Recognized in the official United States Pharmacopoeia,
271 official Homeopathic Pharmacopoeia of the United States, or official
272 National Formulary, and supplement to any of them;

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

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

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

277 (36) "Durable medical equipment", equipment including repair
278 and replacement parts for same, excluding mobility enhancing
279 equipment. Durable medical equipment:

280 (a) Can withstand repeated use;

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

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

- 284 (d) Is not worn in or on the body;
- 285 (e) Is for home use;
- 286 (f) Is within the classification of devices eligible for MO
287 HealthNet and Medicare reimbursement;
- 288 (g) Shall not include:
- 289 a. Kidney dialysis equipment not worn in or on the body,
290 including repair and replacement parts; and
- 291 b. Enteral feeding systems not worn in or on the body, including
292 repair and replacement parts.
- 293 As used in this subdivision, repair and replacement parts shall include
294 all components or attachments used in conjunction with the durable
295 medical equipment;
- 296 (37) "Electronic", relating to technology having electrical, digital,
297 magnetic, wireless, optical, electromagnetic, or similar capabilities;
- 298 (38) "End user", the person who utilizes the telecommunication
299 service. In case of an entity, "end user" means the individual who
300 utilizes the service on behalf of the entity;
- 301 (39) "Energy star qualified product", a product that meets the
302 energy efficient guidelines set by the United States Environmental
303 Protection Agency and the United States Department of Energy that are
304 authorized to carry the Energy Star label. Covered products are those
305 listed at www.energystar.gov or successor address;
- 306 (40) "Engages in business activities within this state" includes:
- 307 (a) Maintaining or having a franchisee or licensee operating
308 under the seller's trade name in this state if the franchisee or licensee
309 is required to collect sales tax pursuant to sections 144.010 to 144.525;
- 310 (b) Soliciting sales or taking orders by sales agents or traveling
311 representatives;
- 312 (c) A vendor is presumed to engage in business activities within
313 this state if any person, other than a common carrier acting in its
314 capacity as such, that has substantial nexus with this state:
- 315 a. Sells a similar line of products as the vendor and does so
316 under the same or a similar business name;
- 317 b. Maintains an office, distribution facility, warehouse, or
318 storage place, or similar place of business in the state to facilitate the
319 delivery of property or services sold by the vendor to the vendor's
320 customers;
- 321 c. Delivers, installs, assembles, or performs maintenance services
322 for the vendor's customers within the state;
- 323 d. Facilitates the vendor's delivery of property to customers in
324 the state by allowing the vendor's customers to pick up property sold
325 by the vendor at an office, distribution facility, warehouse, storage

326 place, or similar place of business maintained by the person in the
327 state; or

328 e. Conducts any other activities in the state that are significantly
329 associated with the vendor's ability to establish and maintain a market
330 in the state for the sales;

331 (d) The presumption in paragraph (c) may be rebutted by
332 demonstrating that the person's activities in the state are not
333 significantly associated with the vendor's ability to establish or
334 maintain a market in this state for the vendor's sales;

335 (e) Notwithstanding paragraph (c), a vendor shall be presumed
336 to engage in business activities within this state if the vendor enters
337 into an agreement with one or more residents of this state under which
338 the resident, for a commission or other consideration, directly or
339 indirectly refers potential customers, whether by a link on an internet
340 website, an in-person oral presentation, telemarketing, or otherwise, to
341 the vendor, if the cumulative gross receipts from sales by the vendor
342 to customers in the state who are referred to the vendor by all
343 residents with this type of an agreement with the vendor is in excess
344 of ten thousand dollars during the preceding twelve months;

345 (f) The presumption in paragraph (e) may be rebutted by
346 submitting proof that the residents with whom the vendor has an
347 agreement did not engage in any activity within the state that was
348 significantly associated with the vendor's ability to establish or
349 maintain the vendor's market in the state during the preceding twelve
350 months. Such proof may consist of sworn written statements from all
351 of the residents with whom the vendor has an agreement stating that
352 they did not engage in any solicitation in the state on behalf of the
353 vendor during the preceding year provided that such statements were
354 provided and obtained in good faith;

355 (41) "Food and food ingredients", substances, whether in liquid,
356 concentrated, solid, frozen, dried, or dehydrated form, that are sold for
357 ingestion or chewing by humans and are consumed for their taste or
358 nutritional value. Food and food ingredients shall not include alcoholic
359 beverages, tobacco, or dietary supplements;

360 (42) "Food sold through vending machines", food dispensed from
361 a machine or other mechanical device that accepts payment;

362 (43) "Grooming and hygiene products", soaps and cleaning
363 solutions, shampoo, toothpaste, mouthwash, antiperspirants, and
364 suntan lotions and screens, regardless of whether the items meet the
365 definition of over-the-counter-drugs;

366 [(4)] (44) "Gross receipts"[.] or "sales price":

367 (a) Except as provided in section 144.012, [means the total amount of the

368 sale price of the sales at retail including any services other than charges incident
369 to the extension of credit that are a part of such sales made by the businesses
370 herein referred to, capable of being valued in money, whether received in money
371 or otherwise; except that, the term "gross receipts" shall not include the sale price
372 of property returned by customers when the full sale price thereof is refunded
373 either in cash or by credit. In determining any tax due under sections 144.010
374 to 144.525 on the gross receipts, charges incident to the extension of credit shall
375 be specifically exempted. For the purposes of sections 144.010 to 144.525 the
376 total amount of the sale price above mentioned shall be deemed to be the amount
377 received. It shall also include the lease or rental consideration where the right
378 to continuous possession or use of any article of tangible personal property is
379 granted under a lease or contract and such transfer of possession would be
380 taxable if outright sale were made and, in such cases, the same shall be taxable
381 as if outright sale were made and considered as a sale of such article, and the tax
382 shall be computed and paid by the lessee upon the rentals paid;] **applies to the**
383 **measure subject to sales tax and means the total amount of**
384 **consideration, including cash, credit, property, and services, for which**
385 **personal property or services are sold, leased, or rented, valued in**
386 **money, whether received in money or otherwise, without any deduction**
387 **for the following:**

- 388 a. **The seller's cost of the property sold;**
389 b. **The cost of materials used, labor or service cost, interest,**
390 **losses, all costs of transportation to the seller, all taxes imposed on the**
391 **seller, and any other expense of the seller;**
392 c. **Charges by the seller for any services necessary to complete**
393 **the sale, other than delivery and installation charges;**
394 d. **Delivery charges; and**
395 e. **Credit for any trade-in;**
396 **(b) Shall not include:**
397 a. **Discounts, including cash, term, or coupons that are not**
398 **reimbursed by a third party that are allowed by a seller and taken by**
399 **a purchaser on a sale;**
400 b. **Interest, financing, and carrying charges from credit extended**
401 **on the sale of personal property or services, if the amount is separately**
402 **stated on the invoice, bill of sale or similar document given to the**
403 **purchaser; and**
404 c. **Any taxes legally imposed directly on the consumer that are**
405 **separately stated on the invoice, bill of sale or similar document given**
406 **to the purchaser;**
407 **(c) Shall include consideration received by the seller from third**
408 **parties if:**
409 a. **The seller actually receives consideration from a party other**

410 than the purchaser and the consideration is directly related to a price
411 reduction or discount on the sale;

412 b. The seller has an obligation to pass the price reduction or
413 discount through to the purchaser;

414 c. The amount of the consideration attributable to the sale is
415 fixed and determinable by the seller at the time of the sale of the item
416 to the purchaser; and

417 d. One of the following criteria is met:

418 (i) The purchaser presents a coupon, certificate or other
419 documentation to the seller to claim a price reduction or discount
420 where the coupon, certificate or documentation is authorized,
421 distributed, or granted by a third party with the understanding that
422 the third party will reimburse any seller to whom the coupon,
423 certificate or documentation is presented;

424 (ii) The purchaser identifies himself or herself to the seller as a
425 member of a group or organization entitled to a price reduction or
426 discount (a preferred customer card that is available to any patron
427 does not constitute membership in such a group); or

428 (iii) The price reduction or discount is identified as a third-party
429 price reduction or discount on the invoice received by the purchaser
430 or on a coupon, certificate or other documentation presented by the
431 purchaser;

432 (45) "Home service provider", the same as such term is defined
433 in Section 124(5) of Public Law 106-252, Mobile Telecommunications
434 Sourcing Act;

435 (46) "Lease or rental":

436 (a) Any transfer of possession or control of tangible personal
437 property for a fixed or indeterminate term for consideration. A lease
438 or rental may include future options to purchase or extend;

439 (b) Lease or rental shall not include:

440 a. A transfer of possession or control of property under a
441 security agreement or deferred payment plan that requires the transfer
442 of title upon completion of the required payments;

443 b. A transfer of possession or control of property under an
444 agreement that requires the transfer of title upon completion of
445 required payments and where any payment of an option price does not
446 exceed the greater of one hundred dollars or one percent of the total
447 required payments;

448 c. Providing tangible personal property along with an operator
449 for a fixed or indeterminate period of time provided that the operator
450 is necessary for the equipment to perform as designed and the operator
451 does more than maintain, inspect, or set up the tangible personal

452 **property;**

453 **(c) Lease or rental includes agreements covering motor vehicles**
454 **and trailers where the amount of consideration may be increased or**
455 **decreased by reference to the amount realized upon sale or disposition**
456 **of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;**

457 **(47) "Light aircraft", a light airplane that seats no more than four**
458 **persons, with a gross weight of three thousand pounds or less, which**
459 **is primarily used for recreational flying or flight training;**

460 **(48) "Light aircraft kit", factory manufactured light aircraft parts**
461 **and components, including engine, propeller, instruments, wheels,**
462 **brakes, and air frame parts which make up a complete aircraft kit or**
463 **partial kit designed to be assembled into a light aircraft and then**
464 **operated by a qualified light aircraft purchaser for recreational and**
465 **educational purposes;**

466 **(49) "Light aircraft parts and components", manufactured light**
467 **aircraft parts, including air frame and engine parts, that are required**
468 **by the qualified light aircraft purchaser to complete a light aircraft kit,**
469 **or spare or replacement parts for an already completed light aircraft;**

470 **[(5)] (50) "Livestock", cattle, calves, sheep, swine, ratite birds, including**
471 **but not limited to, ostrich and emu, aquatic products as defined in section**
472 **277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source**
473 **and not from the wild, goats, horses, other equine, or rabbits raised in**
474 **confinement for human consumption;**

475 **[(6)] (51) "Load and leave", delivery to the purchaser by use of a**
476 **tangible storage media where the tangible storage media is not**
477 **physically transferred to the purchaser;**

478 **(52) "Maintains a place of business in this state", includes**
479 **maintaining, occupying, or using, permanently or temporarily, directly**
480 **or indirectly, or through a subsidiary, or agent, by whatever name**
481 **called, an office, place of distribution, sales or sample room or place,**
482 **warehouse or storage place, or other place of business;**

483 **(53) "Mobile telecommunications service", the same as such term**
484 **is defined in Section 124(7) of Public Law 106-252, Mobile**
485 **Telecommunications Sourcing Act;**

486 **(54) "Mobility enhancing equipment", equipment, including repair**
487 **and replacement parts to same, which:**

488 **(a) Is primarily and customarily used to provide or increase the**
489 **ability to move from one place to another and which is appropriate for**
490 **use either in a home or a motor vehicle; and**

491 **(b) Is not generally used by persons with normal mobility; and**

492 **(c) Is within the classification of devices eligible for MO**
493 **HealthNet and Medicare reimbursement.**

494 **Mobility enhancement equipment shall not include durable medical**
495 **equipment or any motor vehicle or equipment on a motor vehicle**
496 **normally provided by a motor vehicle manufacturer;**

497 **(55) "Model 1 seller", a seller registered under the agreement that**
498 **has selected a certified service provider as its agent to perform all the**
499 **seller's sales and use tax functions, other than the seller's obligation to**
500 **remit tax on its own purchases;**

501 **(56) "Model 2 seller", a seller that has selected a certified**
502 **automated system (CAS) to perform part of its sales and use tax**
503 **functions, but retains responsibility for remitting the tax;**

504 **(57) "Model 3 seller", a seller registered under the agreement that**
505 **has sales in at least five member states, has total annual sales revenue**
506 **of at least five hundred million dollars, has a proprietary system that**
507 **calculates the amount of tax due each jurisdiction, and has entered into**
508 **a performance agreement with the member states that establishes a tax**
509 **performance standard for the seller. As used in this subdivision, a**
510 **seller shall include an affiliated group of sellers using the same**
511 **proprietary system;**

512 **(58) "Model 4 seller", a seller that is registered under the**
513 **agreement and is not a Model 1 Seller, a Model 2 Seller, or a Model 3**
514 **Seller;**

515 **(59) "Motor vehicle leasing company" [shall be], a company obtaining a**
516 **permit from the director of revenue to operate as a motor vehicle leasing**
517 **company. Not all persons renting or leasing trailers or motor vehicles need to**
518 **obtain such a permit; however, no person failing to obtain such a permit may**
519 **avail itself of the optional tax provisions of subsection 5 of section 144.070, as**
520 **hereinafter provided;**

521 **[(7)] (60) "Other direct mail", any direct mail that is not**
522 **advertising and promotional direct mail regardless of whether**
523 **advertising and promotional direct mail is included in the same**
524 **mailing. Other direct mail includes, but is not limited to:**

525 **(a) Transactional direct mail that contains personal information**
526 **specific to the one addressee including, but not limited to, invoices,**
527 **bills, statements of account, and payroll advices;**

528 **(b) Any legally required mailings including, but not limited to,**
529 **privacy notices, tax reports, and stockholder reports; and**

530 **(c) Other nonpromotional direct mail delivered to existing or**
531 **former shareholders, customers, employees, or agents including, but not**
532 **limited to, newsletters and informational pieces.**

533 **Other direct mail shall not include the development of billing**
534 **information or the provision or any data processing service that is**
535 **more than incidental;**

536 **(61) "Over-the-counter-drug", a drug, excluding grooming and**
537 **hygiene products, that contains a label that identifies the product as a**
538 **drug as required by 21 CFR Section 201.66 and includes:**

539 **(a) A drug facts panel; or**

540 **(b) A statement of the active ingredients with a list of those**
541 **ingredients contained in the compound, substance, or preparation;**

542 **(62) "Person" includes any individual, firm, copartnership, joint**
543 **adventure, association, corporation, municipal or private, and whether organized**
544 **for profit or not, state, county, political subdivision, state department,**
545 **commission, board, bureau or agency, [except the state transportation**
546 **department,] estate, trust, business trust, receiver or trustee appointed by the**
547 **state or federal court, syndicate, or any other group or combination acting as a**
548 **unit, and the plural as well as the singular number, or any other legal entity;**

549 **[(8)] (63) "Place of primary use", the street address**
550 **representative of where the customer's use of the telecommunications**
551 **service primarily occurs, which must be the residential street address**
552 **or the primary business street address of the customer. In the case of**
553 **mobile telecommunications services, place of primary use must be**
554 **within the licensed service area of the home service provider;**

555 **(64) "Post-paid calling service", the telecommunications service**
556 **obtained by making a payment on a call-by-call basis either through the**
557 **use of a credit card or payment mechanism such as a bank card, travel**
558 **card, credit card, or debit card, or by charge made to a telephone**
559 **number which is not associated with the origination or termination of**
560 **the telecommunications service. A post-paid calling service includes a**
561 **telecommunications service, except a prepaid wireless calling service,**
562 **that would be a prepaid calling service except it is not exclusively a**
563 **telecommunications service;**

564 **(65) "Prepaid calling service", the right to access exclusively**
565 **telecommunications services, which must be paid for in advance and**
566 **which enables the origination of calls using an access number or**
567 **authorization code, whether manually or electronically dialed, and that**
568 **is sold in predetermined units or dollars of which the number declines**
569 **with use in a known amount;**

570 **(66) "Prepaid wireless calling service", a telecommunications**
571 **service that provides the right to utilize mobile wireless services as**
572 **well as other nontelecommunications services, including the download**
573 **of digital products delivered electronically, content and ancillary**
574 **services, which must be paid for in advance and that is sold in**
575 **predetermined units or dollars of which the number declines with use**
576 **in a known amount;**

577 **(67) "Prepared food", food sold in a heated state or heated by the**

578 seller; two or more food ingredients mixed or combined by the seller for
579 sale as a single item; or food sold with eating utensils provided by the
580 seller, including plates, knives, forks, spoons, glasses, cups, napkins, or
581 straws. A plate shall not include a container or packaging used to
582 transport the food. Prepared food shall not include food that is only
583 cut, repackaged, or pasteurized by the seller and eggs, fish, meat,
584 poultry, and foods containing these raw animal foods requiring cooking
585 by the consumer as recommended by the Food and Drug Administration
586 in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne
587 illnesses;

588 (68) "Prescription", an order, formula, or recipe issued in any
589 form of oral, written, electronic, or other means of transmission by a
590 duly licensed practitioner authorized by the laws of the state;

591 (69) "Prewritten computer software", computer software,
592 including prewritten upgrades, which is not designed and developed by
593 the author or other creator to the specifications of a specific
594 purchaser. The combining of two or more prewritten computer
595 software programs or prewritten portions thereof shall not cause the
596 combination to be other than prewritten computer
597 software. Prewritten computer software shall include software
598 designed and developed by the author or other creator to the
599 specifications of a specific purchaser when it is sold to a person other
600 than the specific purchaser. Where a person modifies or enhances
601 computer software of which the person is not the author or creator, the
602 person shall be deemed to be the author or creator only of such
603 person's modifications or enhancements. Prewritten computer software
604 or a prewritten portion thereof that is modified or enhanced to any
605 degree, where such modification or enhancement is designed and
606 developed to the specifications of a specific purchaser, remains
607 prewritten computer software; provided, however, that where there is
608 a reasonable, separately stated charge or an invoice or other statement
609 of the price given to the purchaser for such modification or
610 enhancement, such modification or enhancement shall not constitute
611 prewritten computer software;

612 (70) "Private communication service", a telecommunications
613 service that entitles the customer to exclusive or priority use of a
614 communications channel or group of channels between or among
615 termination points, regardless of the manner in which such channel or
616 channels are connected, and includes switching capacity, extension
617 lines, stations, and any other associated services that are provided in
618 connection with the use of such channel or channels;

619 (71) "Product-based exemption", an exemption based on the

620 description of the product and not based on who purchases the product
621 or how the purchaser intends to use the product;

622 (72) "Product which is intended to be sold ultimately for final use
623 or consumption", tangible personal property, or any service that is
624 subject to state or local sales or use taxes, or any tax that is
625 substantially equivalent to these taxes, in this state or any other state;

626 (73) "Prosthetic device", a replacement, corrective, or supportive
627 device including repair and replacement parts for same worn on or in
628 the body to artificially replace a missing portion of the body, prevent
629 or correct physical deformity or malfunction, or support a weak or
630 deformed portion of the body. The term "prosthetic device" shall not
631 include corrective eyeglasses or contact lenses and shall be limited to
632 the classification of devices eligible for MO HealthNet and Medicare
633 reimbursement;

634 (74) "Protective equipment", items for human wear and designed
635 as protection of the wearer against injury or disease or as protections
636 against damage or injury of other persons or property but not suitable
637 for general use. Protective equipment are mutually exclusive of
638 clothing, clothing accessories or equipment, and sport or recreational
639 equipment;

640 (75) "Purchase", the acquisition of the ownership of, or title to,
641 tangible personal property, through a sale, as defined herein, for the
642 purpose of storage, use or consumption in this state;

643 (76) "Purchase price", applies to the measure subject to use tax
644 and has the same meaning as sales price;

645 (77) "Purchaser" [means], a person [who purchases tangible] to whom
646 a sale of personal property is made or to whom [are rendered services, receipts
647 from which are taxable under sections 144.010 to 144.525] a service is
648 furnished;

649 [(9)] (78) "Qualified light aircraft purchaser", a purchaser of a
650 light aircraft, light aircraft kit, light aircraft parts or components who
651 is a nonresident of this state, who will transport the light aircraft, light
652 aircraft kit, light aircraft parts or components outside this state within
653 ten days after the date of purchase, and who will register any light
654 aircraft so purchased in another state or country. Such purchaser shall
655 not base such aircraft in this state and such purchaser shall not be a
656 resident of the state unless such purchaser has paid sales or use tax on
657 such aircraft in another state;

658 (79) "Receive" or "receipt", taking possession of tangible personal
659 property; making first use of services; or taking possession or making
660 first use of digital goods, whichever comes first. Receive and receipt
661 shall not include possession by a shipping company on behalf of the

662 purchaser;

663 **(80) "Registered under the agreement", registration by a seller**
664 **with the member states under the central registration system provided**
665 **in Article IV of the agreement;**

666 **(81) "Research or experimentation activities"** are the development of an
667 experimental or pilot model, plant process, formula, invention or similar property,
668 and the improvement of existing property of such type. Research or
669 experimentation activities do not include activities such as ordinary testing or
670 inspection of materials or products for quality control, efficiency surveys,
671 advertising promotions or research in connection with literary, historical or
672 similar projects;

673 [(10) "Sale" or "sales" includes installment and credit sales, and the
674 exchange of properties as well as the sale thereof for money, every closed
675 transaction constituting a sale, and means any transfer, exchange or barter,
676 conditional or otherwise, in any manner or by any means whatsoever, of tangible
677 personal property for valuable consideration and the rendering, furnishing or
678 selling for a valuable consideration any of the substances, things and services
679 herein designated and defined as taxable under the terms of sections 144.010 to
680 144.525;

681 **(11) (82) "Sale at retail"** [means any transfer made by any person
682 engaged in business as defined herein of the ownership of, or title to, tangible
683 personal property to the purchaser, for use or consumption and not for resale in
684 any form as tangible personal property, for a valuable consideration; except that,
685 for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)
686 purchases of tangible personal property made by duly licensed physicians,
687 dentists, optometrists and veterinarians and used in the practice of their
688 professions shall be deemed to be purchases for use or consumption and not for
689 resale; and (ii) the selling of computer printouts, computer output or microfilm
690 or microfiche and computer-assisted photo compositions to a purchaser to enable
691 the purchaser to obtain for his or her own use the desired information contained
692 in such computer printouts, computer output on microfilm or microfiche and
693 computer-assisted photo compositions shall be considered as the sale of a service
694 and not as the sale of tangible personal property] **or "retail sale", any sale,**
695 **lease, or rental for any purpose other than for resale, sublease, or**
696 **subrent. Purchases of tangible personal property made by duly**
697 **licensed physicians, dentists, optometrists, and veterinarians and used**
698 **in the practice of their professions shall be deemed to be purchases for**
699 **use or consumption and not for resale.** Where necessary to conform to the
700 context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale
701 at retail" shall be construed to embrace:

702 (a) Sales of admission tickets, cash admissions, charges and fees to or in
703 places of amusement, entertainment and recreation, games and athletic events;

704 (b) Sales of electricity, electrical current, water and gas, natural or
705 artificial, to domestic, commercial or industrial consumers;

706 (c) Sales of local and long distance telecommunications service to
707 telecommunications subscribers and to others through equipment of
708 telecommunications subscribers for the transmission of messages and
709 conversations, and the sale, rental or leasing of all equipment or services
710 pertaining or incidental thereto;

711 (d) Sales of service for transmission of messages by telegraph companies;

712 (e) Sales or charges for all rooms, meals and drinks furnished at any
713 hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist
714 camp, tourist cabin, or other place in which rooms, meals or drinks are regularly
715 served to the public;

716 (f) Sales of tickets by every person operating a railroad, sleeping car,
717 dining car, express car, boat, airplane, and such buses and trucks as are licensed
718 by the division of motor carrier and railroad safety of the department of economic
719 development of Missouri, engaged in the transportation of persons for hire;

720 **(83) "School art supply":**

721 **(a) An item commonly used by a student in a course of study for**
722 **artwork. The term is mutually exclusive of the terms school supply,**
723 **school instructional material, and school computer supply;**

724 **(b) The following is an all-inclusive list:**

725 **a. Clay and glazes;**

726 **b. Paints, acrylic, tempora, and oil;**

727 **c. Paintbrushes for artwork;**

728 **d. Sketch and drawing pads; and**

729 **e. Watercolors;**

730 **(84) "School computer supply":**

731 **(a) An item commonly used by a student in a course of study in**
732 **which a computer is used. The term is mutually exclusive of the terms**
733 **school supply, school art supply, and school instructional material.**

734 **(b) The following is an all-inclusive list:**

735 **a. Computer storage media, diskettes, compact disks;**

736 **b. Handheld electronic schedulers, except devices that are**
737 **cellular phones;**

738 **c. Personal digital assistants, except devices that are cellular**
739 **phones; and**

740 **d. Computer printers and printer supplies for computers, printer**
741 **paper, and printer ink;**

742 **(85) "School instructional material":**

743 **(a) Written material commonly used by a student in a course of**
744 **study as a reference and to learn the subject being taught. The term is**
745 **mutually exclusive of the terms school supply, school art supply, and**

746 school computer supply;

747 (b) The following is an all-inclusive list:

748 a. Reference books;

749 b. Reference maps and globes;

750 c. Textbooks; and

751 d. Workbooks;

752 (86) "School supply":

753 (a) An item commonly used by a student in a course of
754 study. The term is mutually exclusive of the terms school art supply,
755 school instructional material, and school computer supply;

756 (b) The following is an all-inclusive list:

757 a. Binders;

758 b. Book bags;

759 c. Calculators;

760 d. Cellophane tape;

761 e. Blackboard chalk;

762 f. Compasses;

763 g. Composition books;

764 h. Crayons;

765 i. Erasers;

766 j. Folders, expandable, pocket, plastic, and manila;

767 k. Glue, paste, and paste sticks;

768 l. Highlighters;

769 m. Index cards;

770 n. Index card boxes;

771 o. Legal pads;

772 p. Lunch boxes;

773 q. Markers;

774 r. Notebooks;

775 s. Paper, loose leaf notebook paper, copy paper, graph paper,
776 tracing paper, manila paper, colored paper, poster board, and
777 construction paper;

778 t. Pencil boxes and other school supply boxes;

779 u. Pencil sharpeners;

780 v. Pencils;

781 w. Pens;

782 x. Protractors;

783 y. Rulers;

784 z. Scissors; and

785 aa. Writing tablets;

786 [(12)] (87) "Seller" means a person [selling or furnishing tangible]
787 making sales, leases, or rentals of personal property or [rendering services,

788 on the receipts from which a tax is imposed pursuant to section 144.020] **service;**
789 **(88) "Selling agent", every person acting as a representative of a**
790 **principal, when such principal is not registered with the director of**
791 **revenue of the state of Missouri for the collection of the taxes imposed**
792 **under this chapter and who receives compensation by reason of the**
793 **sale of tangible personal property of the principal, if such property is**
794 **to be stored, used, or consumed in this state;**
795 **(89) "Service address":**
796 **(a) The location of the telecommunications equipment to which**
797 **a customer's call is charged and from which the call originates or**
798 **terminates, regardless of where the call is billed or paid;**
799 **(b) If the location in paragraph (a) of this subdivision is not**
800 **known, "service address" means the origination point of the signal of**
801 **the telecommunications services first identified by either the seller's**
802 **telecommunications system or in information received by the seller**
803 **from its service provider, where the system used to transport such**
804 **signals is not that of the seller;**
805 **(c) If the location in paragraphs (a) and (b) of this subdivision**
806 **are not known, the service address shall be the location of the**
807 **customer's place of primary use;**
808 **(90) "Specified digital products", electronically transferred**
809 **digital audio-visual works, digital audio works, and digital books;**
810 **(91) "Sport or recreational equipment", items designed for human**
811 **use and worn in conjunction with an athletic or recreational activity**
812 **that are not suitable for general use. Sport or recreational equipment**
813 **are mutually exclusive of clothing, clothing accessories or equipment,**
814 **and protective equipment;**
815 **(92) "State", any state of the United States, the District of**
816 **Columbia, and the Commonwealth of Puerto Rico;**
817 **(93) "Storage", any keeping or retention in this state of tangible**
818 **personal property purchased from a vendor, except property for sale**
819 **or property that is temporarily kept or retained in this state for**
820 **subsequent use outside the state;**
821 **(94) "Tangible personal property", personal property that can be**
822 **seen, weighed, measured, felt, or touched, or that is in any other**
823 **manner perceptible to the senses. Tangible personal property shall**
824 **include electricity, water, gas, steam, and prewritten computer**
825 **software. Tangible personal property shall not include specified digital**
826 **products, digital audio-visual works, digital audio works, or digital**
827 **books;**
828 **[(13) The noun] (95) "Tax" [means], either the tax payable by the**
829 **purchaser of a commodity or service subject to tax, or the aggregate amount of**

830 taxes due from the vendor of such commodities or services during the period for
831 which he or she is required to report his or her collections, as the context may
832 require;

833 **(96) "Taxpayer", any person remitting the tax or who should**
834 **remit the tax levied by this chapter;**

835 **(97) "Telecommunications nonrecurring charges", an amount**
836 **billed for the installation, connection, change or initiation of**
837 **telecommunications service received by the customer;**

838 [(14)] **(98) "Telecommunications service"**[, for the purpose of this chapter,
839 the transmission of information by wire, radio, optical cable, coaxial cable,
840 electronic impulses, or other similar means. As used in this definition,
841 "information" means knowledge or intelligence represented by any form of
842 writing, signs, signals, pictures, sounds, or any other
843 symbols. Telecommunications service does not include the following if such
844 services are separately stated on the customer's bill or on records of the seller
845 maintained in the ordinary course of business:

846 (a) Access to the internet, access to interactive computer services or
847 electronic publishing services, except the amount paid for the telecommunications
848 service used to provide such access;

849 (b) Answering services and one-way paging services;

850 (c) Private mobile radio services which are not two-way commercial mobile
851 radio services such as wireless telephone, personal communications services or
852 enhanced specialized mobile radio services as defined pursuant to federal law; or

853 (d) Cable or satellite television or music services; and

854 (15) "Product which is intended to be sold ultimately for final use or
855 consumption" means tangible personal property, or any service that is subject to
856 state or local sales or use taxes, or any tax that is substantially equivalent
857 thereto, in this state or any other state.];

858 **(a) The electronic transmission, conveyance, or routing of voice,**
859 **data, audio, video, or any other information or signals to a point, or**
860 **between or among points;**

861 **(b) Telecommunications service shall include such transmission,**
862 **conveyance, or routing in which computer processing applications are**
863 **used to act on the form, code, or protocol of the content for purposes**
864 **of transmission, conveyance, or routing without regard to whether such**
865 **service is referred to as voice over internet protocol services or is**
866 **classified by the Federal Communications Commission as enhanced or**
867 **value added;**

868 **(c) Telecommunications service shall include air-to-ground**
869 **radiotelephone service, mobile telecommunications service, post-paid**
870 **calling service, prepaid calling service, prepaid wireless calling service,**
871 **and private communication service;**

- 872 **(d) Telecommunications service shall not include:**
- 873 **a. Data processing and information services that allow data to**
874 **be generated, acquired, stored, processed, or retrieved and delivered**
875 **by an electronic transmission to a purchaser where such purchaser's**
876 **primary purpose for the underlying transaction is the processed data**
877 **or information;**
- 878 **b. Installation or maintenance of wiring or equipment on a**
879 **customer's premises;**
- 880 **c. Tangible personal property;**
- 881 **d. Advertising, including but not limited to directory advertising;**
- 882 **e. Billing and collection services provided to third parties;**
- 883 **f. Internet access service;**
- 884 **g. Radio and television audio and video programming services,**
885 **regardless of the medium, including the furnishing of transmission,**
886 **conveyance, and routing of such services by the programming service**
887 **provider. Radio and television audio and video programming services**
888 **shall include but not be limited to cable service, as defined in 47 U.S.C.**
889 **Section 522(6), and audio and video programming services delivered by**
890 **commercial mobile radio service providers, as defined in 47 CFR 20.3;**
- 891 **h. Ancillary services; or**
- 892 **i. Digital products delivered electronically, including, but not**
893 **limited to, software, music, video, reading materials, or ring tones;**
- 894 **(99) "Transportation equipment", any of the following:**
- 895 **(a) Locomotives and railcars that are utilized for the carriage of**
896 **persons or property in interstate commerce;**
- 897 **(b) Trucks and truck-tractors with a gross vehicle weight rating**
898 **(GVWR) of ten thousand one pounds or greater, trailers, semi-trailers,**
899 **or passenger buses that are:**
- 900 **a. Registered through the International Registration Plan; and**
- 901 **b. Operated under authority of a carrier authorized and**
902 **certificated by the United States Department of Transportation or**
903 **another federal authority to engage in the carriage of persons or**
904 **property in interstate commerce;**
- 905 **(c) Aircraft that are operated by air carriers authorized and**
906 **certificated by the United States Department of Transportation or**
907 **another federal or a foreign authority to engage in the carriage of**
908 **persons or property in interstate or foreign commerce;**
- 909 **(d) Containers designed for use on and component parts attached**
910 **or secured on the items set forth in paragraphs (a) to (c) of this**
911 **subdivision;**
- 912 **(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or**
913 **any other item that contains tobacco;**

914 (101) "Use", the exercise of any right or power over tangible
915 personal property incident to the ownership or control of that
916 property, except that it does not include the temporary storage of
917 property in this state for subsequent use outside the state, or the sale
918 of the property in the regular course of business;

919 (102) "Use-based exemption", an exemption based on a specified
920 use of the product by the purchaser;

921 (103) "Vendor", every person engaged in making sales of tangible
922 personal property by mail order, by advertising, by agent or peddling
923 tangible personal property, soliciting or taking orders for sales of
924 tangible personal property, for storage, use or consumption in this
925 state, all salesmen, solicitors, hawkers, representatives, consignees,
926 peddlers or canvassers, as agents of the dealers, distributors,
927 consignors, supervisors, principals or employers under whom they
928 operate or from whom they obtain the tangible personal property sold
929 by them, and every person who maintains a place of business in this
930 state, maintains a stock of goods in this state, or engages in business
931 activities within this state and every person who engages in this state
932 in the business of acting as a selling agent for persons not otherwise
933 vendors as defined in this subdivision. Irrespective of whether they are
934 making sales on their own behalf or on behalf of the dealers,
935 distributors, consignors, supervisors, principals or employers, they
936 must be regarded as vendors and the dealers, distributors, consignors,
937 supervisors, principals or employers must be regarded as vendors for
938 the purposes of sections 144.600 to 144.745.

939 2. For purposes of the taxes imposed under sections 144.010 to 144.525,
940 and any other provisions of law pertaining to sales or use taxes which incorporate
941 the provisions of sections 144.010 to 144.525 by reference, the term
942 "manufactured homes" shall have the same meaning given it in section 700.010.

943 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales
944 Tax Law".

144.014. 1. Notwithstanding other provisions of law to the contrary,
2 beginning October 1, 1997, the tax levied and imposed pursuant to sections
3 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and**
4 **food ingredients** shall be at the rate of one percent. The revenue derived from
5 the one percent rate pursuant to this section shall be deposited by the state
6 treasurer in the school district trust fund and shall be distributed as provided in
7 section 144.701.

8 2. [For the purposes of this section, the term "food" shall include only
9 those products and types of food for which food stamps may be redeemed
10 pursuant to the provisions of the Federal Food Stamp Program as contained in
11 7 U.S.C. Section 2012, as that section now reads or as it may be amended

12 hereafter, and shall include food dispensed by or through vending machines. For
13 the purpose of this section,] Except for **food sold through** vending [machine
14 sales, the term "food"] **machines, subsection 1 of this section** shall not
15 [include] **apply to** food or drink sold by any establishment where the gross
16 receipts derived from the sale of food prepared by such establishment for
17 immediate consumption on or off the premises of the establishment constitutes
18 more than eighty percent of the total gross receipts of that establishment,
19 regardless of whether such prepared food is consumed on the premises of that
20 establishment, including, but not limited to, sales of food by any restaurant, fast
21 food restaurant, delicatessen, eating house, or café.

2 **144.022. 1. In the case of a bundled transaction that includes any**
3 **of the following: telecommunication service, ancillary service, internet**
4 **access, or audio or video programming service:**

5 **(1) If the price is attributable to products that are taxable and**
6 **products that are nontaxable, the portion of the price attributable to**
7 **the nontaxable products may be subject to tax unless the provider can**
8 **identify by reasonable and verifiable standards such portion from its**
9 **books and records that are kept in the regular course of business for**
10 **other purposes, including, but not limited to, nontax purposes;**

11 **(2) If the price is attributable to products that are subject to tax**
12 **at different tax rates, the total price shall be treated as attributable to**
13 **the products subject to tax at the highest tax rate unless the provider**
14 **can identify by reasonable and verifiable standards the portion of the**
15 **price attributable to the products subject to tax at the lower rate from**
16 **its books and records that are kept in the regular course of business for**
17 **other purposes, including, but not limited to, nontax purposes;**

18 **(3) The provisions of this section shall apply unless otherwise**
19 **provided by federal law.**

20 **2. In the case of a transaction that includes an optional computer**
21 **software maintenance contract for prewritten computer software, the**
22 **following provisions apply:**

23 **(1) If an optional computer software maintenance contract only**
24 **obligates the vendor to provide upgrades and updates, it shall be**
25 **characterized as a sale of prewritten computer software;**

26 **(2) If an optional computer software maintenance contract only**
27 **obligates the vendor to provide support services, it shall be**
28 **characterized as a sale of services and not a sale of tangible personal**
29 **property;**

30 **(3) If an optional computer software maintenance contract is a**
31 **bundled transaction in which both taxable and nontaxable or exempt**
32 **products that are not separately itemized on the invoice or similar**
billing document, the purchase price under the contract shall be

33 taxable.

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

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

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

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,
38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,

42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

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

52 (5) Replacement machinery, equipment, and parts and the materials and
53 supplies solely required for the installation or construction of such replacement
54 machinery, equipment, and parts, used directly in manufacturing, mining,
55 fabricating or producing a product which is intended to be sold ultimately for
56 final use or consumption; and machinery and equipment, and the materials and
57 supplies required solely for the operation, installation or construction of such
58 machinery and equipment, purchased and used to establish new, or to replace or
59 expand existing, material recovery processing plants in this state. For the
60 purposes of this subdivision, a "material recovery processing plant" means a
61 facility that has as its primary purpose the recovery of materials into a usable
62 product or a different form which is used in producing a new product and shall
63 include a facility or equipment which are used exclusively for the collection of
64 recovered materials for delivery to a material recovery processing plant but shall
65 not include motor vehicles used on highways. For purposes of this section, the
66 terms motor vehicle and highway shall have the same meaning pursuant to
67 section 301.010. Material recovery is not the reuse of materials within a
68 manufacturing process or the use of a product previously recovered. The material
69 recovery processing plant shall qualify under the provisions of this section
70 regardless of ownership of the material being recovered;

71 (6) Machinery and equipment, and parts and the materials and supplies
72 solely required for the installation or construction of such machinery and
73 equipment, purchased and used to establish new or to expand existing
74 manufacturing, mining or fabricating plants in the state if such machinery and
75 equipment is used directly in manufacturing, mining or fabricating a product
76 which is intended to be sold ultimately for final use or consumption;

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

80 (8) Animals or poultry used for breeding or feeding purposes, or captive
81 wildlife;

82 (9) Newsprint, ink, computers, photosensitive paper and film, toner,
83 printing plates and other machinery, equipment, replacement parts and supplies

84 used in producing newspapers published for dissemination of news to the general
85 public;

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

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

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

94 (13) Electrical energy used in the actual primary manufacture, processing,
95 compounding, mining or producing of a product, or electrical energy used in the
96 actual secondary processing or fabricating of the product, or a material recovery
97 processing plant as defined in subdivision (5) of this subsection, in facilities
98 owned or leased by the taxpayer, if the total cost of electrical energy so used
99 exceeds ten percent of the total cost of production, either primary or secondary,
100 exclusive of the cost of electrical energy so used or if the raw materials used in
101 such processing contain at least twenty-five percent recovered materials as
102 defined in section 260.200. There shall be a rebuttable presumption that the raw
103 materials used in the primary manufacture of automobiles contain at least
104 twenty-five percent recovered materials. For purposes of this subdivision,
105 "processing" means any mode of treatment, act or series of acts performed upon
106 materials to transform and reduce them to a different state or thing, including
107 treatment necessary to maintain or preserve such processing by the producer at
108 the production facility;

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

112 (15) Machinery, equipment, appliances and devices purchased or leased
113 and used solely for the purpose of preventing, abating or monitoring air pollution,
114 and materials and supplies solely required for the installation, construction or
115 reconstruction of such machinery, equipment, appliances and devices;

116 (16) Machinery, equipment, appliances and devices purchased or leased
117 and used solely for the purpose of preventing, abating or monitoring water
118 pollution, and materials and supplies solely required for the installation,
119 construction or reconstruction of such machinery, equipment, appliances and
120 devices;

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

122 (18) All amounts paid or charged for admission or participation or other
123 fees paid by or other charges to individuals in or for any place of amusement,
124 entertainment or recreation, games or athletic events, including museums, fairs,
125 zoos and planetariums, owned or operated by a municipality or other political

126 subdivision where all the proceeds derived therefrom benefit the municipality or
127 other political subdivision and do not inure to any private person, firm, or
128 corporation, provided, however, that a municipality or other political subdivision
129 may enter into revenue-sharing agreements with private persons, firms, or
130 corporations providing goods or services, including management services, in or for
131 the place of amusement, entertainment or recreation, games or athletic events,
132 and provided further that nothing in this subdivision shall exempt from tax any
133 amounts retained by any private person, firm, or corporation under such
134 revenue-sharing agreement;

135 (19) All sales of [insulin and prosthetic or orthopedic devices as defined
136 on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of
137 the Social Security Act of 1965, including the items specified in Section
138 1862(a)(12) of that act, and also specifically including hearing aids and hearing
139 aid supplies and all sales of drugs which may be legally dispensed by a licensed
140 pharmacist only upon a lawful prescription of a practitioner licensed to
141 administer those items, including samples and materials used to manufacture
142 samples which may be dispensed by a practitioner authorized to dispense such
143 samples and all sales or rental of medical oxygen, home respiratory equipment
144 and accessories, hospital beds and accessories and ambulatory aids, all sales or
145 rental of manual and powered wheelchairs, stairway lifts, Braille writers,
146 electronic Braille equipment and, if purchased or rented by or on behalf of a
147 person with one or more physical or mental disabilities to enable them to function
148 more independently, all sales or rental of scooters, reading machines, electronic
149 print enlargers and magnifiers, electronic alternative and augmentative
150 communication devices, and items used solely to modify motor vehicles to permit
151 the use of such motor vehicles by individuals with disabilities or sales of]
152 over-the-counter [or nonprescription] drugs to individuals with disabilities, **and**
153 **all sales of drugs, durable medical equipment, prosthetic devices, and**
154 **mobility enhancing equipment**, and drugs required by the Food and Drug
155 Administration to meet the over-the-counter drug product labeling requirements
156 in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
157 licensed to prescribe;

158 (20) All sales made by or to religious and charitable organizations and
159 institutions in their religious, charitable or educational functions and activities
160 and all sales made by or to all elementary and secondary schools operated at
161 public expense in their educational functions and activities;

162 (21) All sales of aircraft to common carriers for storage or for use in
163 interstate commerce and all sales made by or to not-for-profit civic, social, service
164 or fraternal organizations, including fraternal organizations which have been
165 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
166 1986 Internal Revenue Code, as amended, in their civic or charitable functions
167 and activities and all sales made to eleemosynary and penal institutions and

168 industries of the state, and all sales made to any private not-for-profit institution
169 of higher education not otherwise excluded pursuant to subdivision (20) of this
170 subsection or any institution of higher education supported by public funds, and
171 all sales made to a state relief agency in the exercise of relief functions and
172 activities;

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

181 (23) All sales made to any private not-for-profit elementary or secondary
182 school, all sales of feed additives, medications or vaccines administered to
183 livestock or poultry in the production of food or fiber, all sales of pesticides used
184 in the production of crops, livestock or poultry for food or fiber, all sales of
185 bedding used in the production of livestock or poultry for food or fiber, all sales
186 of propane or natural gas, electricity or diesel fuel used exclusively for drying
187 agricultural crops, natural gas used in the primary manufacture or processing of
188 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
189 used by an eligible new generation cooperative or an eligible new generation
190 processing entity as defined in section 348.432, and all sales of farm machinery
191 and equipment, other than airplanes, motor vehicles and trailers, and any freight
192 charges on any exempt item. As used in this subdivision, the term "feed
193 additives" means tangible personal property which, when mixed with feed for
194 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
195 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
196 surfactants, wetting agents and other assorted pesticide carriers used to improve
197 or enhance the effect of a pesticide and the foam used to mark the application of
198 pesticides and herbicides for the production of crops, livestock or poultry. As
199 used in this subdivision, the term "farm machinery and equipment" means new
200 or used farm tractors and such other new or used farm machinery and equipment
201 and repair or replacement parts thereon and any accessories for and upgrades to
202 such farm machinery and equipment, rotary mowers used exclusively for
203 agricultural purposes, and supplies and lubricants used exclusively, solely, and
204 directly for producing crops, raising and feeding livestock, fish, poultry,
205 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
206 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
207 therefor which is:

208 (a) Used exclusively for agricultural purposes;

209 (b) Used on land owned or leased for the purpose of producing farm

210 products; and

211 (c) Used directly in producing farm products to be sold ultimately in
212 processed form or otherwise at retail or in producing farm products to be fed to
213 livestock or poultry to be sold ultimately in processed form at retail;

214 (24) Except as otherwise provided in section 144.032, all sales of metered
215 water service, electricity, [electrical current, natural, artificial or propane gas,
216 wood, coal or home heating oil] **pip ed natural or artificial gas, or other
217 fuels delivered by the seller** for domestic use [and in any city not within a
218 county, all sales of metered or unmetered water service for domestic use]:

219 (a) "Domestic use" means that portion of metered water service,
220 electricity, [electrical current, natural, artificial or propane gas, wood, coal or
221 home heating oil, and in any city not within a county, metered or unmetered
222 water service,] **pip ed natural or artificial gas, or other fuels delivered by
223 the seller** which an individual occupant of a residential premises uses for
224 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
225 a single or master meter for residential apartments or condominiums, including
226 service for common areas and facilities and vacant units, shall be deemed to be
227 for domestic use. Each seller shall establish and maintain a system whereby
228 individual purchases are determined as exempt or nonexempt;

229 (b) Regulated utility sellers shall determine whether individual purchases
230 are exempt or nonexempt based upon the seller's utility service rate
231 classifications as contained in tariffs on file with and approved by the Missouri
232 public service commission. Sales and purchases made pursuant to the rate
233 classification "residential" and sales to and purchases made by or on behalf of the
234 occupants of residential apartments or condominiums through a single or master
235 meter, including service for common areas and facilities and vacant units, shall
236 be considered as sales made for domestic use and such sales shall be exempt from
237 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
238 classified as nondomestic use. The seller's utility service rate classification and
239 the provision of service thereunder shall be conclusive as to whether or not the
240 utility must charge sales tax;

241 (c) Each person making domestic use purchases of [services or property]
242 **electricity, pip ed natural or artificial gas, or other fuels delivered by
243 the seller** and who uses any portion of the services or property so purchased for
244 a nondomestic use shall, by the fifteenth day of the fourth month following the
245 year of purchase, and without assessment, notice or demand, file a return and
246 pay sales tax on that portion of nondomestic purchases. Each person making
247 nondomestic purchases of [services or property] **electricity, pip ed natural or
248 artificial gas, or other fuels delivered by the seller** and who uses any
249 portion of the [services or property] **electricity, pip ed natural or artificial
250 gas, or other fuels delivered by the seller** so purchased for domestic use,
251 and each person making domestic purchases on behalf of occupants of residential

252 apartments or condominiums through a single or master meter, including service
253 for common areas and facilities and vacant units, under a nonresidential utility
254 service rate classification may, between the first day of the first month and the
255 fifteenth day of the fourth month following the year of purchase, apply for credit
256 or refund to the director of revenue and the director shall give credit or make
257 refund for taxes paid on the domestic use portion of the purchase. The person
258 making such purchases on behalf of occupants of residential apartments or
259 condominiums shall have standing to apply to the director of revenue for such
260 credit or refund;

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

265 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041,
266 [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United
267 States Code. The director of revenue shall promulgate rules pursuant to chapter
268 536 to eliminate all state and local sales taxes on such excise taxes;

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

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

278 (29) Computers, computer software and computer security systems
279 purchased for use by architectural or engineering firms headquartered in this
280 state. For the purposes of this subdivision, "headquartered in this state" means
281 the office for the administrative management of at least four integrated facilities
282 operated by the taxpayer is located in the state of Missouri;

283 (30) All livestock sales when either the seller is engaged in the growing,
284 producing or feeding of such livestock, or the seller is engaged in the business of
285 buying and selling, bartering or leasing of such livestock;

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

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

292 (33) Notwithstanding other provisions of law to the contrary, all sales of
293 pesticides or herbicides used in the production of crops, aquaculture, livestock or

294 poultry;

295 (34) Tangible personal property and utilities purchased for use or
296 consumption directly or exclusively in the research and development of
297 agricultural/biotechnology and plant genomics products and prescription
298 pharmaceuticals consumed by humans or animals;

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

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

304 (37) All purchases by a contractor on behalf of an entity located in another
305 state, provided that the entity is authorized to issue a certificate of exemption for
306 purchases to a contractor under the provisions of that state's laws. For purposes
307 of this subdivision, the term "certificate of exemption" shall mean any document
308 evidencing that the entity is exempt from sales and use taxes on purchases
309 pursuant to the laws of the state in which the entity is located. Any contractor
310 making purchases on behalf of such entity shall maintain a copy of the entity's
311 exemption certificate as evidence of the exemption. If the exemption certificate
312 issued by the exempt entity to the contractor is later determined by the director
313 of revenue to be invalid for any reason and the contractor has accepted the
314 certificate in good faith, neither the contractor or the exempt entity shall be liable
315 for the payment of any taxes, interest and penalty due as the result of use of the
316 invalid exemption certificate. Materials shall be exempt from all state and local
317 sales and use taxes when purchased by a contractor for the purpose of fabricating
318 tangible personal property which is used in fulfilling a contract for the purpose
319 of constructing, repairing or remodeling facilities for the following:

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

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

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

330 (39) Sales of tickets to any collegiate athletic championship event that is
331 held in a facility owned or operated by a governmental authority or commission,
332 a quasi-governmental agency, a state university or college or by the state or any
333 political subdivision thereof, including a municipality, and that is played on a
334 neutral site and may reasonably be played at a site located outside the state of
335 Missouri. For purposes of this subdivision, "neutral site" means any site that is

336 not located on the campus of a conference member institution participating in the
337 event;

338 (40) All purchases by a sports complex authority created under section
339 64.920, and all sales of utilities by such authority at the authority's cost that are
340 consumed in connection with the operation of a sports complex leased to a
341 professional sports team;

342 (41) All materials, replacement parts, and equipment purchased for use
343 directly upon, and for the modification, replacement, repair, and maintenance of
344 aircraft, aircraft power plants, and aircraft accessories;

345 (42) Sales of sporting clays, wobble, skeet, and trap targets to any
346 shooting range or similar places of business for use in the normal course of
347 business and money received by a shooting range or similar places of business
348 from patrons and held by a shooting range or similar place of business for
349 redistribution to patrons at the conclusion of a shooting event;

350 (43) All sales of motor fuel, as defined in section 142.800, used in any
351 watercraft, as defined in section 306.010;

352 (44) Any new or used aircraft sold or delivered in this state to a person
353 who is not a resident of this state or a corporation that is not incorporated in this
354 state, and such aircraft is not to be based in this state and shall not remain in
355 this state more than ten business days subsequent to the last to occur of:

356 (a) The transfer of title to the aircraft to a person who is not a resident
357 of this state or a corporation that is not incorporated in this state; or

358 (b) The date of the return to service of the aircraft in accordance with 14
359 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations,
360 repairs, or installations that are completed contemporaneously with the transfer
361 of title to the aircraft to a person who is not a resident of this state or a
362 corporation that is not incorporated in this state.

363 3. Any ruling, agreement, or contract, whether written or oral, express or
364 implied, between a person and this state's executive branch, or any other state
365 agency or department, stating, agreeing, or ruling that such person is not
366 required to collect sales and use tax in this state despite the presence of a
367 warehouse, distribution center, or fulfillment center in this state that is owned
368 or operated by the person or an affiliated person shall be null and void unless it
369 is specifically approved by a majority vote of each of the houses of the general
370 assembly. For purposes of this subsection, an "affiliated person" means any
371 person that is a member of the same controlled group of corporations as defined
372 in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the
373 vendor or any other entity that, notwithstanding its form of organization, bears
374 the same ownership relationship to the vendor as a corporation that is a member
375 of the same controlled group of corporations as defined in Section 1563(a) of the
376 Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary

2 notwithstanding, any city imposing a sales tax under the provisions of sections
3 94.500 to 94.570, or any county imposing a sales tax under the provisions of
4 sections 66.600 to 66.635, or any county imposing a sales tax under the provisions
5 of sections 67.500 to 67.729, or any hospital district imposing a sales tax under
6 the provisions of section 205.205 may by ordinance impose a sales tax upon all
7 sales of [metered water services,] electricity, [electrical current and natural,
8 artificial or propane gas, wood, coal, or home heating oil] **pipd natural or**
9 **artificial gas, or other fuels delivered by the seller** for domestic use
10 only. Such tax shall be administered by the department of revenue and assessed
11 by the retailer in the same manner as any other city, county, or hospital district
12 sales tax. Domestic use shall be determined in the same manner as the
13 determination of domestic use for exemption of such sales from the state sales tax
14 under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and
2 **rentals, of tangible personal property or digital goods shall be sourced**
3 **to the location where the order is received by the seller.**

4 **(2) This subsection shall apply only if:**

5 **(a) The location where receipt of the product by the purchaser**
6 **occurs is determined in accordance with subsection 2 of this section;**
7 **and**

8 **(b) At the time the order is received, the recordkeeping system**
9 **of the seller used to calculate the proper amount of sales or use tax to**
10 **be imposed captures the location where the order is received.**

11 **(3) When the sale is sourced under this section to the location**
12 **where the order is received by the seller, only the sales tax for the**
13 **location where the order is received by the seller may be levied. No**
14 **additional sales or use tax based on the location where the product is**
15 **delivered to the purchaser may be levied on that sale. The purchaser**
16 **shall not be entitled to any refund if the combined state and local rate**
17 **or rates at the location where the product is received by the purchaser**
18 **is lower than the rate where the order is received by the seller.**

19 **(4) A purchaser shall have no additional liability to the state for**
20 **tax, penalty or interest on a sale for which the purchaser remits tax to**
21 **the seller in the amount invoiced by the seller if such invoice amount**
22 **is calculated at either the rate applicable to the location where receipt**
23 **by the purchaser occurs or at the rate applicable to the location where**
24 **the order is received by the seller. A purchaser may rely on a written**
25 **representation by the seller as to the location where the order for such**
26 **sale was received by the seller. When the purchaser does not have a**
27 **written representation by the seller as to the location where the order**
28 **for such sale was received by the seller, the purchaser may use a**
29 **location indicated by a business address for the seller that is available**

30 from the business records of the purchaser that are maintained in the
31 ordinary course of the purchaser's business to determine the rate
32 applicable to the location where the order was received.

33 (5) The location where the order is received by or on behalf of
34 the seller means the physical location of a seller or third party such as
35 an established outlet, office location or automated order receipt system
36 operated by or on behalf of the seller where an order is initially
37 received by or on behalf of the seller and not where the order may be
38 subsequently accepted, completed or fulfilled. An order is received
39 when all of the information from the purchaser necessary to the
40 determination whether the order can be accepted has been received by
41 or on behalf of the seller. The location from which a product is shipped
42 shall not be used in determining the location where the order is
43 received by the seller.

44 (6) When taxable services are sold with tangible personal
45 property or digital products pursuant to a single contract or in the
46 same transaction, are billed on the same billing statement or
47 statements, and, because of the application of this section, would be
48 sourced to different jurisdictions, this subsection shall apply to
49 determine the source for tax.

50 2. Except as provided in section 144.041, when the location where
51 the order is received by the seller and the location where the receipt
52 of the product by the purchaser (or the purchaser's donee, designated
53 as such by the purchaser) occurs are in different states, the retail sale,
54 excluding lease or rental, of a product shall be sourced as follows:

55 (1) When the product is received by the purchaser at a business
56 location of the seller, the sale shall be sourced to such business
57 location;

58 (2) When the product is not received by the purchaser at a
59 business location of the seller, the sale shall be sourced to the location
60 where receipt by the purchaser (or the purchaser's donee, designated
61 as such by the purchaser) occurs, including the location indicated by
62 instructions for delivery to the purchaser or donee, known to the seller;

63 (3) When subdivisions (1) and (2) of this subsection do not apply,
64 the sale shall be sourced to the location indicated by an address for the
65 purchaser that is available from the business records of the seller that
66 are maintained in the ordinary course of the seller's business when use
67 of this address does not constitute bad faith;

68 (4) When subdivisions (1), (2), and (3) of this subsection do not
69 apply, the sale shall be sourced to the location indicated by an address
70 for the purchaser obtained during the consummation of the sale,
71 including the address of a purchaser's payment instrument, if no other

72 address is available, when use of this address does not constitute bad
73 faith;

74 (5) When none of the previous rules of subdivisions (1), (2), (3),
75 and (4) of this subsection do not apply, including the circumstances in
76 which the seller is without sufficient information to apply the previous
77 rules, then the location will be determined by the address from which
78 tangible personal property was shipped, from which the digital good or
79 computer software delivered electronically was first available for
80 transmission from the seller, or from which the service was provided
81 (disregarding for these purposes any location that merely provided the
82 digital transfer of the product sold).

83 3. Notwithstanding subsections 1 and 2 of this section, all sales
84 of motor vehicles, trailers, semi-trailers, watercraft and aircraft that do
85 not qualify as transportation equipment shall be sourced to the address
86 of the owner thereof.

87 4. The lease or rental of tangible personal property, other than
88 property identified in subsection 2 or 3 of this section, shall be sourced
89 as follows:

90 (1) For a lease or rental that requires recurring periodic
91 payments, the first periodic payment is sourced the same as a retail
92 sale in accordance with the provisions of subsection 1 of this
93 section. Periodic payments made subsequent to the first payment are
94 sourced to the primary property location for each period covered by
95 the payment. The primary property location shall be as indicated by
96 an address for the property provided by the lessee that is available to
97 the lessor from its records maintained in the ordinary course of
98 business, when use of this address does not constitute bad faith. The
99 property location shall not be altered by intermittent use at different
100 locations, such as use of business property that accompanies employees
101 on business trips and service calls;

102 (2) For a lease or rental that does not require recurring periodic
103 payments, the payment is sourced the same as a retail sale in
104 accordance with the provisions of subsection 1 of this section;

105 (3) This subsection does not affect the imposition or computation
106 of sales or use tax on leases or rentals based on a lump sum or
107 accelerated basis, or on the acquisition of property for lease.

108 5. The lease or rental of motor vehicles, trailers, semi-trailers, or
109 aircraft that do not qualify as transportation equipment, as defined in
110 section 144.010, shall be sourced as follows:

111 (1) For a lease or rental that requires recurring periodic
112 payments, each periodic payment is sourced to the primary property
113 location. The primary property location shall be as indicated by an

114 address for the property provided by the lessee that is available to the
115 lessor from its records maintained in the ordinary course of business,
116 when use of such address does not constitute bad faith. Such location
117 shall not be altered by intermittent use at different locations;

118 (2) For a lease or rental that does not require recurring periodic
119 payments, the payment is sourced the same as a retail sale in
120 accordance with the provisions of subsection 1 of this section;

121 (3) This subsection does not affect the imposition or computation
122 of sales or use tax on leases or rentals based on a lump sum or
123 accelerated basis, or on the acquisition of property for lease.

124 6. The retail sale, including lease or rental, of transportation
125 equipment shall be sourced the same as a retail sale in accordance with
126 the provisions of subsection 1 of this section, notwithstanding the
127 exclusion of lease or rental in subsection 1 of this section.

144.041. 1. The retail sale of a product shall be sourced in
2 accordance with section 144.040. The provisions of section 144.040 shall
3 apply regardless of the characterization of a product as tangible
4 personal property, a digital good, or a service. The provisions of
5 section 144.040 shall only apply to determine a seller's obligation to pay
6 or collect and remit sales or use tax with respect to the seller's retail
7 sale of a product. The provisions of this subsection shall not affect the
8 obligation of a purchaser or lessee to remit tax on the use of the
9 product to the taxing jurisdictions of that use.

10 2. Section 144.040 shall not apply to sales or use taxes levied on
11 the following:

12 (1) Retail sales or transfers of watercraft, modular homes,
13 manufactured homes, or mobile homes; and

14 (2) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct
2 mail may provide the seller with either:

3 (a) A direct pay permit;

4 (b) An agreement certificate of exemption claiming direct mail
5 (or other written statement approved, authorized, or accepted by the
6 state); or

7 (c) Information showing the jurisdictions to which the
8 advertising and promotional direct mail is to be delivered to recipients.

9 (2) If the purchaser provides the permit, certificate, or statement
10 referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of
11 this section, the seller, in the absence of bad faith, is relieved of all
12 obligations to collect, pay, or remit any tax on any transaction
13 involving advertising and promotional direct mail to which the permit,
14 certificate, or statement applies. The purchaser shall source the sale

15 to the jurisdictions to which the advertising and promotional direct
16 mail is to be delivered to the recipients and shall report and pay any
17 applicable tax due.

18 (3) If the purchaser provides the seller information showing the
19 jurisdictions to which the advertising and promotional direct mail is
20 to be delivered to recipients, the seller shall source the sale to the
21 jurisdictions to which the advertising and promotional direct mail is
22 to be delivered and shall collect and remit the applicable tax. In the
23 absence of bad faith, the seller is relieved of any further obligation to
24 collect any additional tax on the sale of advertising and promotional
25 direct mail where the seller has sourced the sale according to the
26 delivery information provided by the purchaser.

27 (4) If the purchaser does not provide the seller with any of the
28 items listed in paragraph (a), (b), or (c) of subdivision (1) of subsection
29 1 of this section, the sale shall be sourced according to subdivision (5)
30 of subsection 2 of section 144.040. The state to which the advertising
31 and promotional direct mail is delivered may disallow credit for tax
32 paid on sales sourced under this subdivision.

33 (5) Notwithstanding section 144.040, this subsection shall apply
34 to sales of advertising and promotional direct mail.

35 2. (1) Except as otherwise provided in this subsection, sales of
36 other direct mail are sourced in accordance with subdivision (3) of
37 subsection 2 of section 144.040.

38 (2) A purchaser of other direct mail may provide the seller with
39 either:

40 (a) A direct pay permit; or

41 (b) An agreement certificate of exemption claiming direct mail
42 (or other written statement approved, authorized or accepted by the
43 state).

44 (3) If the purchaser provides the permit, certificate or statement
45 referred to in paragraph (a) or (b) of subdivision (2) of this subsection,
46 the seller, in the absence of bad faith, is relieved of all obligations to
47 collect, pay or remit any tax on any transaction involving other direct
48 mail to which the permit, certificate or statement
49 apply. Notwithstanding subdivision (1) of this subsection, the sale shall
50 be sourced to the jurisdictions to which the other direct mail is to be
51 delivered to the recipients and the purchaser shall report and pay
52 applicable tax due.

53 (4) Notwithstanding section 144.040, this subsection shall apply
54 to sales of other direct mail.

55 3. (1) (a) This section applies to a transaction characterized
56 under state law as the sale of services only if the service is an integral

57 **part of the production and distribution of printed material that meets**
58 **the definition of direct mail.**

59 **(b) This section does not apply to any transaction that includes**
60 **the development of billing information or the provision of any data**
61 **processing service that is more than incidental regardless of whether**
62 **advertising and promotional direct mail is included in the same**
63 **mailing.**

64 **(2) If a transaction is a bundled transaction that includes**
65 **advertising and promotion direct mail, this section applies only if the**
66 **primary purpose of the transaction is the sale of products or services**
67 **that meet the definition of advertising and promotional direct mail.**

68 **(3) Nothing in this section shall limit any purchaser's:**

69 **(a) Obligation for sales or use tax to any state to which the direct**
70 **mail is delivered;**

71 **(b) Right under local, state, federal or constitutional law, to a**
72 **credit for sales or use taxes legally due and paid to other jurisdictions;**
73 **or**

74 **(c) Right to a refund of sales or use taxes overpaid to any**
75 **jurisdiction.**

76 **(4) This section applies for purposes of uniformly sourcing direct**
77 **mail transactions and does not impose requirements on states**
78 **regarding the taxation of products that meet the definition of direct**
79 **mail or to the application of sales for resale or other exemptions.**

144.043. 1. [As used in this section, the following terms mean:

2 **(1) "Light aircraft", a light airplane that seats no more than four persons,**
3 **with a gross weight of three thousand pounds or less, which is primarily used for**
4 **recreational flying or flight training;**

5 **(2) "Light aircraft kit", factory manufactured parts and components,**
6 **including engine, propeller, instruments, wheels, brakes, and air frame parts**
7 **which make up a complete aircraft kit or partial kit designed to be assembled into**
8 **a light aircraft and then operated by a qualified purchaser for recreational and**
9 **educational purposes;**

10 **(3) "Parts and components", manufactured light aircraft parts, including**
11 **air frame and engine parts, that are required by the qualified purchaser to**
12 **complete a light aircraft kit, or spare or replacement parts for an already**
13 **completed light aircraft;**

14 **(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit,**
15 **parts or components who is nonresident of this state, who will transport the light**
16 **aircraft, light aircraft kit, parts or components outside this state within ten days**
17 **after the date of purchase, and who will register any light aircraft so purchased**
18 **in another state or country. Such purchaser shall not base such aircraft in this**
19 **state and such purchaser shall not be a resident of the state unless such**

20 purchaser has paid sales or use tax on such aircraft in another state.

21 2. In addition to the exemptions granted under the provisions of section
22 144.030, there shall also be specifically exempted from the provisions of sections
23 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the
24 provisions of any local sales tax law, as defined in section 32.085, and from the
25 computation of the tax levied, assessed or payable under sections 144.010 to
26 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales
27 tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft
28 kits, parts or components manufactured or substantially completed within this
29 state, when such new light aircraft, light aircraft kits, parts or components are
30 sold by the manufacturer to a qualified purchaser. The director of revenue shall
31 prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts
32 or components to establish that such person is a qualified purchaser and is
33 eligible for the exemption established in this section] **Except for the defined**
34 **telecommunication services in subsection 3 of this section, the sale of**
35 **telecommunication service sold on a call-by-call basis shall be sourced**
36 **to:**

37 **(1) Each level of taxing jurisdiction where the call originates and**
38 **terminates in that jurisdiction; or**

39 **(2) Each level of taxing jurisdiction where the call either**
40 **originates or terminates and in which the service address is also**
41 **located.**

42 **2. Except for the defined telecommunication services in**
43 **subsection 3 of this section, a sale of telecommunications services sold**
44 **on a basis other than a call-by-call basis, is sourced to the customer's**
45 **place of primary use.**

46 **3. The sale of the following telecommunication services shall be**
47 **sourced to each level of taxing jurisdiction as follows:**

48 **(1) A sale of mobile telecommunications services other than air-**
49 **to-ground radiotelephone service and prepaid calling service, is**
50 **sourced to the customer's place of primary use as required by the**
51 **Mobile Telecommunications Sourcing Act;**

52 **(2) A sale of post-paid calling service is sourced to the**
53 **origination point of the telecommunications signal as first identified by**
54 **either:**

55 **(a) The seller's telecommunications system; or**

56 **(b) Information received by the seller from its service provider,**
57 **where the system used to transport such signals is not that of the seller;**

58 **(3) A sale of prepaid calling service or a sale of a prepaid**
59 **wireless calling service is sourced in accordance with section 144.040,**
60 **provided however, in the case of a sale of prepaid wireless calling**
61 **service, the rule provided in subdivision (5) of subsection 2 of section**

62 144.040 shall include as an option the location associated with the
63 mobile telephone number;

64 (4) A sale of a private communication service is sourced as
65 follows:

66 (a) Service for a separate charge related to a customer channel
67 termination point is sourced to each level of jurisdiction in which such
68 customer channel termination point is located;

69 (b) Service where all customer termination points are located
70 entirely within one jurisdiction or levels of jurisdiction is sourced in
71 such jurisdiction in which the customer channel termination points are
72 located;

73 (c) Service for segments of a channel between two customer
74 channel termination points located in different jurisdictions and which
75 segment of channel are separately charged is sourced fifty percent in
76 each level of jurisdiction in which the customer channel termination
77 points are located; and

78 (d) Service for segments of a channel located in more than one
79 jurisdiction or levels of jurisdiction and which segments are not
80 separately billed is sourced in each jurisdiction based on the
81 percentage determined by dividing the number of customer channel
82 termination points in such jurisdiction by the total number of customer
83 channel termination points.

84 4. The sale of internet access service is sourced to the customer's
85 place of primary use.

86 5. The sale of an ancillary service is sourced to the customer's
87 place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

2 (1) "Clothing", any article of wearing apparel, including footwear, intended
3 to be worn on or about the human body. The term shall include but not be
4 limited to cloth and other material used to make school uniforms or other school
5 clothing. Items normally sold in pairs shall not be separated to qualify for the
6 exemption. The term shall not include watches, watchbands, jewelry, handbags,
7 handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

8 (2) "Personal computers", a laptop, desktop, or tower computer system
9 which consists of a central processing unit, random access memory, a storage
10 drive, a display monitor, and a keyboard and devices designed for use in
11 conjunction with a personal computer, such as a disk drive, memory module,
12 compact disk drive, daughterboard, digitizer, microphone, modem, motherboard,
13 mouse, multimedia speaker, printer, scanner, single-user hardware, single-user
14 operating system, soundcard, or video card;

15 (3) "School supplies", any item normally used by students in a standard
16 classroom for educational purposes, including but not limited to textbooks,

17 notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags,
18 backpacks, handheld calculators, chalk, maps, and globes. The term shall not
19 include watches, radios, CD players, headphones, sporting equipment, portable
20 or desktop telephones, copiers or other office equipment, furniture, or
21 fixtures. School supplies shall also include computer software having a taxable
22 value of three hundred fifty dollars or less and any graphing calculator having a
23 taxable value of one hundred fifty dollars or less.

24 2.] In each year beginning on or after January 1, 2005, there is hereby
25 specifically exempted from state sales tax law all retail sales of any article of
26 clothing having a taxable value of one hundred dollars or less[.]; all retail sales
27 of school supplies, **school art supplies, and school instructional materials**
28 not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with
29 a taxable value of three hundred fifty dollars or less[.]; all graphing calculators
30 having a taxable value of one hundred fifty dollars or less, and all retail sales of
31 **[personal] computers [or computer peripheral devices] and school computer**
32 **supplies** not to exceed one thousand five hundred dollars, during a three-day
33 period beginning at 12:01 a.m. on the first Friday in August and ending at
34 midnight on the Sunday following.

35 [3. If the governing body of any political subdivision adopted an ordinance
36 that applied to the 2004 sales tax holiday to prohibit the provisions of this section
37 from allowing the sales tax holiday to apply to such political subdivision's local
38 sales tax, then, notwithstanding any provision of a local ordinance to the
39 contrary, the 2005 sales tax holiday shall not apply to such political subdivision's
40 local sales tax. However, any such political subdivision may enact an ordinance
41 to allow the 2005 sales tax holiday to apply to its local sales taxes. A political
42 subdivision must notify the department of revenue not less than forty-five
43 calendar days prior to the beginning date of the sales tax holiday occurring in
44 that year of any ordinance or order rescinding an ordinance or order to opt out.

45 4.] **2.** This section shall not apply to any sales which take place within
46 the Missouri state fairgrounds.

47 [5.] **3.** This section applies to sales of items bought for personal use only.

48 [6. After the 2005 sales tax holiday, any political subdivision may, by
49 adopting an ordinance or order, choose to prohibit future annual sales tax
50 holidays from applying to its local sales tax. After opting out, the political
51 subdivision may rescind the ordinance or order. The political subdivision must
52 notify the department of revenue not less than forty-five calendar days prior to
53 the beginning date of the sales tax holiday occurring in that year of any ordinance
54 or order rescinding an ordinance or order to opt out.

55 7.] **4.** This section may not apply to any retailer when less than two
56 percent of the retailer's merchandise offered for sale qualifies for the sales tax
57 holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed
3 upon materials to transform or reduce them to a different state or thing,
4 including treatment necessary to maintain or preserve such processing by the
5 producer at the production facility;

6 (2) "Recovered materials", those materials which have been diverted or
7 removed from the solid waste stream for sale, use, reuse, or recycling, whether
8 or not they require subsequent separation and processing.

9 2. In addition to all other exemptions granted under this chapter, there
10 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525
11 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or
12 payable under sections 144.010 to 144.525 and 144.600 to 144.761,] **this chapter**
13 **and from the computation of the tax levied, assessed, or payable under**
14 **this chapter** electrical energy and gas, whether natural, artificial, or propane,
15 water, coal, and energy sources, chemicals, machinery, equipment, and materials
16 used or consumed in the manufacturing, processing, compounding, mining, or
17 producing of any product, or used or consumed in the processing of recovered
18 materials, or used in research and development related to manufacturing,
19 processing, compounding, mining, or producing any product. [The exemptions
20 granted in this subsection shall not apply to local sales taxes as defined in section
21 32.085 and the provisions of this subsection shall be in addition to any state and
22 local sales tax exemption provided in section 144.030.]

23 3. In addition to all other exemptions granted under this chapter, there
24 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525
25 and 144.600 to 144.761, and section 238.235, and the local sales tax law as
26 defined in section 32.085, and from the computation of the tax levied, assessed,
27 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section
28 238.235, and the local sales tax law as defined in section 32.085] **this chapter**
29 **and from the computation of the tax levied, assessed, and payable**
30 **under this chapter**, all utilities, machinery, and equipment used or consumed
31 directly in television or radio broadcasting and all sales and purchases of tangible
32 personal property, utilities, services, or any other transaction that would
33 otherwise be subject to the state or local sales or use tax when such sales are
34 made to or purchases are made by a contractor for use in fulfillment of any
35 obligation under a defense contract with the United States government, and all
36 sales and leases of tangible personal property by any county, city, incorporated
37 town, or village, provided such sale or lease is authorized under chapter 100, and
38 such transaction is certified for sales tax exemption by the department of
39 economic development, and tangible personal property used for railroad
40 infrastructure brought into this state for processing, fabrication, or other
41 modification for use outside the state in the regular course of business.

42 4. In addition to all other exemptions granted under this chapter, there
43 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525

44 and 144.600 to 144.761, and section 238.235, and the local sales tax law as
45 defined in section 32.085, and from the computation of the tax levied, assessed,
46 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section
47 238.235, and the local sales tax law as defined in section 32.085] **this chapter**
48 **and from the computation of the tax levied, assessed, and payable**
49 **under this chapter**, all sales and purchases of tangible personal property,
50 utilities, services, or any other transaction that would otherwise be subject to the
51 state or local sales or use tax when such sales are made to or purchases are made
52 by a private partner for use in completing a project under sections 227.600 to
53 227.669.

54 5. In addition to all other exemptions granted under this chapter, there
55 is hereby specifically exempted from the provisions of sections 144.010 to 144.525
56 and 144.600 to 144.761, and section 238.235, and the local sales tax law as
57 defined in section 32.085, and from the computation of the tax levied, assessed,
58 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section
59 238.235, and the local sales tax law as defined in section 32.085, all materials,
60 manufactured goods, machinery and parts, electrical energy and gas, whether
61 natural, artificial or propane, water, coal and other energy sources, chemicals,
62 soaps, detergents, cleaning and sanitizing agents, and other ingredients and
63 materials inserted by commercial or industrial laundries to treat, clean, and
64 sanitize textiles in facilities which process at least five hundred pounds of textiles
65 per hour and at least sixty thousand pounds per week.

144.080. 1. Every person receiving any payment or consideration upon
2 the sale of property or rendering of service, subject to the tax imposed by the
3 provisions of sections 144.010 to 144.525, is exercising the taxable privilege of
4 selling the property or rendering the service at retail and is subject to the tax
5 levied in section 144.020. The person shall be responsible not only for the
6 collection of the amount of the tax imposed on the sale or service to the extent
7 possible under the provisions of section 144.285, but shall, on or before the last
8 day of the month following each calendar quarterly period of three months, file
9 a return with the director of revenue showing the person's gross receipts and the
10 amount of tax levied in section 144.020 for the preceding quarter, and shall remit
11 to the director of revenue, with the return, the taxes levied in section 144.020,
12 except as provided in subsections 2 and 3 of this section. The director of revenue
13 may promulgate rules or regulations changing the filing and payment
14 requirements of sellers, but shall not require any seller to file and pay more
15 frequently than required in this section.

16 2. [Where the aggregate amount levied and imposed upon a seller by
17 section 144.020 is in excess of two hundred fifty dollars for either the first or
18 second month of a calendar quarter, the seller shall file a return and pay such
19 aggregate amount for such months to the director of revenue by the twentieth day
20 of the succeeding month.

21 3.] Where the aggregate amount levied and imposed upon a seller by
22 section 144.020 is less than forty-five dollars in a calendar quarter, the director
23 of revenue shall by regulation permit the seller to file a return for a calendar
24 year. The return shall be filed and the taxes paid on or before January
25 thirty-first of the succeeding year.

26 [4.] 3. The seller of any property or person rendering any service, subject
27 to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the
28 purchaser of such property or the recipient of the service to the extent possible
29 under the provisions of section 144.285, but the seller's inability to collect any
30 part or all of the tax does not relieve the seller of the obligation to pay to the
31 state the tax imposed by section 144.020; except that the collection of the tax
32 imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be
33 made as provided in sections 144.070 and 144.440.

34 [5.] 4. Any person may advertise or hold out or state to the public or to
35 any customer directly that the tax or any part thereof imposed by sections
36 144.010 to 144.525, and required to be collected by the person, will be assumed
37 or absorbed by the person, provided that the amount of tax assumed or absorbed
38 shall be stated on any invoice or receipt for the property sold or service
39 rendered. Any person violating any of the provisions of this section shall be
40 guilty of a misdemeanor. This subsection shall not apply to any retailer
41 prohibited from collecting and remitting sales tax under section 66.630.

144.082. 1. The director shall participate in an online
2 **registration system that will allow sellers to register in this state and**
3 **other member states.**

4 **2. By registering, the seller agrees to collect and remit sales and**
5 **use taxes for all taxable sales into this state as well as the other**
6 **member states, including member states joining after the seller's**
7 **registration. Withdrawal or revocation of this state from the agreement**
8 **shall not relieve a seller of its responsibility to remit taxes previously**
9 **or subsequently collected on behalf of this state.**

10 **3. If the seller has a requirement to register prior to registering**
11 **under the agreement, such seller shall obtain a retail sales license**
12 **under section 144.083 and register under section 144.650.**

13 **4. Registration with the central registration system and the**
14 **collection of sales and use taxes in this state shall not be used as a**
15 **factor in determining whether the seller has nexus with this state for**
16 **any tax at any time.**

 144.083. 1. The director of revenue shall require all persons who are
2 responsible for the collection of taxes under the provisions of section 144.080 to
3 procure a retail sales license at no cost to the licensee which shall be prominently
4 displayed at the licensee's place of business, and the license is valid until revoked
5 by the director or surrendered by the person to whom issued when sales are

6 discontinued. The director shall issue the retail sales license within ten working
7 days following the receipt of a properly completed application. Any person
8 applying for a retail sales license or reinstatement of a revoked sales tax license
9 who owes any tax under sections 144.010 to 144.510 or sections 143.191 to
10 143.261 must pay the amount due plus interest and penalties before the
11 department may issue the applicant a license or reinstate the revoked license. All
12 persons beginning business subsequent to August 13, 1986, and who are required
13 to collect the sales tax shall secure a retail sales license prior to making sales at
14 retail. Such license may, after ten days' notice, be revoked by the director of
15 revenue only in the event the licensee shall be in default for a period of sixty days
16 in the payment of any taxes levied under section 144.020 or sections 143.191 to
17 143.261. Notwithstanding the provisions of section 32.057 in the event of
18 revocation, the director of revenue may publish the status of the business account
19 including the date of revocation in a manner as determined by the director.

20 2. The possession of a retail sales license and a statement from the
21 department of revenue that the licensee owes no tax due under sections 144.010
22 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance
23 or renewal of any city or county occupation license or any state license which is
24 required for conducting any business where goods are sold at retail. The date of
25 issuance on the statement that the licensee owes no tax due shall be no more
26 than ninety days before the date of submission for application or renewal of the
27 local license. The revocation of a retailer's license by the director shall render the
28 occupational license or the state license null and void.

29 3. No person responsible for the collection of taxes under section 144.080
30 shall make sales at retail unless such person is the holder of a valid retail sales
31 license. After all appeals have been exhausted, the director of revenue may notify
32 the county or city law enforcement agency representing the area in which the
33 former licensee's business is located that the retail sales license of such person
34 has been revoked, and that any county or city occupation license of such person
35 is also revoked. The county or city may enforce the provisions of this section, and
36 may prohibit further sales at retail by such person.

37 4. In addition to the provisions of subsection 2 of this section, beginning
38 January 1, 2009, the possession of a statement from the department of revenue
39 stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to
40 144.510 shall also be a prerequisite to the issuance or renewal of any city or
41 county occupation license or any state license required for conducting any
42 business where goods are sold at retail. The statement of no tax due shall be
43 dated no longer than ninety days before the date of submission for application or
44 renewal of the city or county license.

45 [5. Notwithstanding any law or rule to the contrary, sales tax shall only
46 apply to the sale price paid by the final purchaser and not to any off-invoice
47 discounts or other pricing discounts or mechanisms negotiated between

48 manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations
2 for remittance of returns. Such rules shall:

3 (1) Allow for electronic payments by all remitters by both ACH
4 credit and ACH debit;

5 (2) Provide an alternative method for making "same day"
6 payments if an electronic funds transfer fails;

7 (3) Provide that if a due date falls on a legal banking holiday in
8 the state, the taxes shall be due on the next succeeding business day;
9 and

10 (4) Require that any data that accompanies a remittance be
11 formatted using uniform tax type and payment type codes approved by
12 the streamlined sales and use tax governing board.

13 2. All model 1, model 2, and model 3 sellers shall file returns
14 electronically. Any model 1, model 2, or model 3 seller shall submit its
15 sales and use tax returns in a simplified format approved by the
16 director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service,
2 except transactions provided for in sections 144.070 and 144.440, individually or
3 by duly authorized officer or agent, shall make and file a written return with the
4 director of revenue in such manner as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by the director
6 of the department of revenue and shall be filed at the times provided in sections
7 144.080 and 144.090. The returns shall [show the amount of gross receipts from
8 sales of taxable property and services by the person and the amount of tax due
9 thereon by that person during and for the period covered by the return] state:

10 (1) The name and address of the retailer;

11 (2) The total amount of gross sales of all tangible personal
12 property and taxable services rendered by the retailer during the
13 period for which the return is made;

14 (3) The total amount received during the period for which the
15 return is made on charge and time sales of tangible personal property
16 made and taxable services rendered prior to the period for which the
17 return is made;

18 (4) Deductions allowed by law from such total amount of gross
19 sales and from total amount received during the period for which the
20 return is made on such charge and time sales;

21 (5) Receipts during the period for which the return is made from
22 the total amount of sales of tangible personal property and taxable
23 services rendered during such period in the course of such business,
24 after deductions allowed by law have been made;

25 (6) Receipts during the period for which the return is made from

26 **charge and time sales of tangible personal property made and taxable**
27 **services rendered prior to such period in the course of such business,**
28 **after deductions allowed by law have been made;**

29 **(7) Gross receipts during the period for which the return is made**
30 **from sales of tangible personal property and taxable services rendered**
31 **in the course of such business upon the basis of which the tax is**
32 **imposed; and**

33 **(8) Such other pertinent information as the director may require.**

34 **3. In making such return, the retailer shall determine the market**
35 **value of any consideration, other than money, received in connection**
36 **with the sale of any tangible personal property in the course of the**
37 **business and shall include such value in the return. Such value shall**
38 **be subject to review and revision by the director as hereinafter**
39 **provided. Refunds made by a retailer during the period for which the**
40 **return is made on account of tangible personal property returned to**
41 **the retailer shall be allowed as a deduction under subdivision (4) of**
42 **subsection 2 of this section in case the retailer has included the**
43 **receipts from such sale in a return made by such retailer and paid**
44 **taxes on such sale. The retailer shall, at the time of making such**
45 **return, pay to the director the amount of tax owed, except as otherwise**
46 **provided in this section. The director may extend the time for making**
47 **returns and paying the tax required by this section for any period not**
48 **to exceed sixty days under such rules and regulations as the director**
49 **of revenue may prescribe.**

50 **4. The director shall only require a single tax return for each**
51 **taxing period and such return shall include only the taxing**
52 **jurisdictions in which the seller makes sales within the state. With each**
53 **return, the person shall remit to the director of revenue the full amount of the tax**
54 **due.**

55 **[3.] 5. In case of charge and time sales the gross receipts thereof shall**
56 **be included as sales in the returns as and when payments are received by the**
57 **person, without any deduction therefrom whatsoever.**

58 **[4.] 6. If an error or omission is discovered in a return or a change be**
59 **necessary to show the true facts, the error may be corrected, the omission**
60 **supplied, or the change made in the return next filed with the director for the**
61 **filing period immediately following the filing period in which the error was made**
62 **or the omission occurred, as prescribed by law, except that no refund under this**
63 **chapter shall be allowed for any amount of tax paid by a seller which is based**
64 **upon charges incident to credit card discounts. Any other omission or error must**
65 **be corrected by filing an amended return for the erroneously reported period if**
66 **the amount of tax is less than that originally reported, or an additional return if**
67 **the amount of tax is greater than that originally reported. An additional return**

68 shall be deemed filed on the date the envelope in which it is mailed is postmarked
69 or the date it is received by the director, whichever is earlier. Any payment of
70 tax, interest, penalty or additions to tax shall be deemed filed on the date the
71 envelope containing the payment is postmarked or the date the payment is
72 received by the director, whichever is earlier. If a refund or credit results from
73 the filing of an amended return, no refund or credit shall be allowed unless an
74 application for refund or credit is properly completed and submitted to the
75 director pursuant to section 144.190.

76 [5.] 7. The amount of gross receipts from sales and the amount of tax due
77 returned by the person, as well as all matters contained in the return, is subject
78 to review and revision in the manner herein provided for the correction of the
79 returns.

144.105. 1. A seller shall be allowed a deduction from taxable
2 sales for bad debts attributable to taxable sales of such seller that have
3 become uncollectable. Any deduction taken that is attributed to bad
4 debts shall not include interest.

5 2. The amount of the bad debt deduction shall be calculated
6 pursuant to 26 U.S.C. Section 166(b), except that such amount shall be
7 adjusted to exclude financing charges or interest, sales, or use taxes
8 charged on the purchase price, uncollectable amounts on property that
9 remain in the possession of the seller until the full purchase price is
10 paid, and expenses incurred in attempting to collect any debt or
11 repossessed property.

12 3. Bad debts may be deducted on the return for the period
13 during which the bad debt is written off as uncollectable in the seller's
14 books and records and is eligible to be deducted for federal income tax
15 purposes. For purposes of this subsection, a seller who is not required
16 to file federal income tax returns may deduct a bad debt on a return
17 filed for the period in which the bad debt is written off as uncollectable
18 in the seller's books and records and would be eligible for a bad debt
19 deduction for federal income tax purposes if the seller was required to
20 file a federal income tax return.

21 4. If a deduction is taken for a bad debt and the debt is
22 subsequently collected in whole or in part, the tax on the amount so
23 collected shall be paid and reported on the return filed for the period
24 in which the collection is made.

25 5. When the amount of bad debt exceeds the amount of taxable
26 sales for the period during which the bad debt is written off, a refund
27 claim may be filed by the seller within the applicable statute of
28 limitations for refund claim; however, the statute of limitations shall
29 be measured from the due date of the return on which the bad debt
30 could first be claimed.

31 **6. Where filing responsibilities have been assumed by a certified**
32 **service provider, such service provider may claim, on behalf of the**
33 **seller, any bad debt allowance provided by this section. The certified**
34 **service provider shall credit or refund the full amount of any bad debt**
35 **allowance or refund received to the seller.**

36 **7. For the purposes of reporting a payment received on a**
37 **previously claimed bad debt, any payments made on a debt or account**
38 **shall first be applied proportionally to the taxable price of the property**
39 **or service and the sales tax thereon, and secondly to interest, service**
40 **charges, and any other charges.**

41 **8. In situations where the books and records of the seller, or**
42 **certified service provider on behalf of the seller, claiming the bad debt**
43 **allowance support an allocation of the bad debts among the member**
44 **states, such an allocation shall be permitted.**

144.110. 1. The state shall review software submitted to the
2 **streamlined sales and use tax governing board for certification as a**
3 **certified automated system (CAS) under Section 501 of the streamlined**
4 **sales and use tax agreement. Such review shall include a review to**
5 **determine that the program adequately classifies the state's product-**
6 **based exemptions. Upon completion of the review, the state shall**
7 **certify to the governing board its acceptance of the classifications made**
8 **by the system. The state shall relieve a certified service provider (CSP)**
9 **or model 2 seller from liability to this state and its local jurisdictions**
10 **for failure to collect sales or use taxes resulting from the CSP or model**
11 **2 seller's reliance on the certification provided by the state.**

12 **2. The streamlined sales and use tax governing board and this**
13 **state shall not be responsible for classification of an item or**
14 **transaction with the product-based exemptions. The relief from**
15 **liability provided in this section shall not be available for a CSP or**
16 **model 2 seller that has incorrectly classified an item or transaction into**
17 **a product-based exemption certified by this state. This subsection shall**
18 **apply to the individual listing of items or transactions within a product**
19 **definition approved by the governing board or the state.**

20 **3. If the state determines that an item or transaction is**
21 **incorrectly classified as to its taxability, it shall notify the CSP or**
22 **model 2 seller of the incorrect classification. The CSP or model 2 seller**
23 **shall have ten days to revise the classification after receipt of notice**
24 **from the state of the determination. Upon expiration of the ten days,**
25 **such CSP or model 2 seller shall be liable for failure to collect the**
26 **correct amount of sales or use taxes due and owing to the state.**

144.123. 1. The director shall provide and maintain a database
2 **that describes boundary changes for all taxing jurisdictions and the**

3 effective dates of such changes for sales and use tax purposes.

4 2. The director shall provide and maintain a database of all sales
5 and use tax rates for all taxing jurisdictions. For the identification of
6 counties and cities, codes corresponding to the rates shall be provided
7 according to Federal Information Processing Standards (FIPS) as
8 developed by the National Institute of Standards and Technology. For
9 the identification of all other jurisdictions, codes corresponding to the
10 rates shall be in a format determined by the director.

11 3. The director shall provide and maintain a database that
12 assigns each five- and nine-digit zip code to the proper rates and taxing
13 jurisdictions. The lowest combined tax rate imposed in the zip code
14 area shall apply if the area includes more than one tax rate in any level
15 of taxing jurisdiction. If a nine-digit zip code designation is not
16 available for a street address, or if a seller or a certified service
17 provider (CSP) is unable to determine the nine-digit zip code
18 designation applicable to a purchase after exercising due diligence to
19 determine the designation, the seller or CSP may apply the rate for the
20 five-digit zip code area. For purposes of this section, there shall be a
21 rebuttable presumption that a seller or CSP has exercised due diligence
22 if the seller has attempted to determine the nine-digit zip code
23 designation by utilizing software approved by the secretary that makes
24 this designation from the street address and the five-digit zip code
25 applicable to a purchase.

26 4. The director may provide address-based boundary database
27 records for assigning taxing jurisdictions and associated rates which
28 shall be in addition to the requirements of subsection 3 of this
29 section. The database records shall be in the same approved format as
30 the database records required under subsection 3 of this section and
31 shall meet the requirements developed pursuant to the federal Mobile
32 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the
33 director develops address-based assignment database records pursuant
34 to the agreement, sellers that register under the agreement shall be
35 required to use such database. A seller or CSP shall use such database
36 records in place of the five- and nine-digit zip code database records
37 provided for in subsection 3 of this section. If a seller or CSP is unable
38 to determine the applicable rate and jurisdiction using an address-
39 based database record after exercising due diligence, the seller or CSP
40 may apply the nine-digit zip code designation applicable to a purchase.
41 If a nine-digit zip code designation is not available for a street address
42 or if a seller or CSP is unable to determine the nine-digit zip code
43 designation applicable to a purchase after exercising due diligence to
44 determine the designation, the seller or CSP may apply the rate for the

45 five-digit zip code area. For the purposes of this section, there shall be
46 a rebuttable presumption that a seller or CSP has exercised due
47 diligence if the seller or CSP has attempted to determine the tax rate
48 and jurisdiction by utilizing software approved by the director and
49 makes the assignment from the address and zip code information
50 applicable to the purchase. If the director has met the requirements of
51 subsection 3 of this section, the director may also elect to certify
52 vendor provided address-based databases for assigning tax rates and
53 jurisdictions. The databases shall be in the same approved format as
54 the database records under this section and meet the requirements
55 developed pursuant to the federal Mobile Telecommunications Sourcing
56 Act, 4 U.S.C. Section 119(a). If the director certifies a vendor address-
57 based database, a seller or CSP may use such database in place of the
58 database provided for in this subsection.

59 5. The electronic databases provided for in subsections 1, 2, 3,
60 and 4 of this section shall be in downloadable format as determined by
61 the director. The databases may be directly provided by the director
62 or provided by a vendor as designated by the director. A database
63 provided by a vendor as designated by the director shall be applicable
64 and subject to the provisions of section 144.1031 and this section. The
65 databases shall be provided at no cost to the user of the database. The
66 provisions of subsections 3 and 4 of this section shall not apply when
67 the purchased product is received by the purchaser at the business
68 location of the seller.

69 6. No seller or CSP shall be liable for reliance upon erroneous
70 data provided by the director on tax rates, boundaries, or taxing
71 jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The
2 state's entries in the matrix shall be provided and maintained by the
3 director in a database that is in a downloadable format.

4 2. The director shall provide reasonable notice of changes in the
5 taxability of the products or services listed in the taxability matrix.

6 3. A seller or certified service provider (CSP) shall be relieved
7 from liability to this state or any local taxing jurisdiction for having
8 charged and collected the incorrect amount of state or local sales or
9 use tax resulting from such seller's or CSP's reliance upon erroneous
10 data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or
2 unpaid sales or use tax to a seller who registers to pay or to collect and
3 remit applicable sales or use tax on sales made to purchasers in this
4 state in accordance with the terms of the agreement, provided that the
5 seller was not so registered in this state in the twelve-month period

6 preceding the effective date of this state's participation in the
7 agreement.

8 (2) Amnesty shall preclude assessment for uncollected or unpaid
9 sales or use tax together with penalty or interest for sales made during
10 the period the seller was not registered in this state, provided
11 registration occurs within twelve months of the effective date of this
12 state's participation in the agreement.

13 (3) Amnesty shall be provided if this state joins the agreement
14 after the seller has registered.

15 2. Amnesty shall not be available to a seller with respect to any
16 matter or matters for which the seller received notice of the
17 commencement of an audit and which audit is not yet finally resolved
18 including any related administrative and judicial processes. The
19 amnesty shall not be available for sales or use taxes already paid or
20 remitted to this state or to taxes collected by the seller.

21 3. Amnesty provided under this section shall be fully effective,
22 absent the seller's fraud or intentional misrepresentation of a material
23 fact, as long as the seller continues registration and payment or
24 collection and remittance of applicable sales or use taxes for a period
25 of at least thirty-six months. The statute of limitations applicable to
26 asserting a tax liability during this thirty-six month period shall be
27 tolled.

28 4. Amnesty provided under this section shall be applicable only
29 to sales or use taxes due from a seller in its capacity as a seller and not
30 to sales or use taxes due from a seller in its capacity as a purchaser.

31 5. The provisions of this section shall become effective as of the
32 date that the state joins and becomes a member state of the agreement.

144.140. 1. From every remittance to the director of revenue made on or
2 before the date when the same becomes due, the person required to remit the
3 same shall be entitled to deduct and retain an amount equal to two percent
4 thereof.

5 2. If the director of the department of revenue enters into the
6 streamlined sales and use tax agreement under section 32.070, the
7 director shall provide a monetary allowance from the taxes collected
8 to each of the following:

9 (1) A certified service provider, in accordance with the
10 agreement and under the terms of the contract signed with the
11 provider, provided that such allowance shall not exceed two percent of
12 the amount collected;

13 (2) Any vendor registered under the agreement that selects a
14 certified automated system to perform part of its sales or use tax
15 functions;

16 **(3) Any vendor registered under the agreement that uses a**
17 **proprietary system to calculate taxes due and has entered into a**
18 **performance agreement with states that are members of the**
19 **streamlined sales and use tax agreement.**

20 **3. The monetary allowance provided for vendors in subdivision**
21 **(2) or (3) of subsection 2 of this section shall be in an amount equal to**
22 **two percent of the taxes collected.**

23 **4. Any vendor receiving an allowance under subsection 2 of this**
24 **section shall not be entitled simultaneously to deduct the allowance**
25 **provided for in subsection 1 of this section.**

144.210. 1. The burden of proving that a sale of tangible personal
2 property, services, substances or things was not a sale at retail shall be upon the
3 person who made the sale, except that with respect to sales, services, or
4 transactions provided for in section 144.070. [The seller shall obtain and
5 maintain exemption certificates signed by the purchaser or his agent as evidence
6 for any exempt sales claimed; provided, however, that before any administrative
7 tribunal of this state, a seller may prove that sale is exempt from tax under this
8 chapter in accordance with proof admissible under the applicable rules of
9 evidence; except that when a purchaser has purchased tangible personal property
10 or services sales tax free under a claim of exemption which is found to be
11 improper, the director of revenue may collect the proper amount of tax, interest,
12 additions to tax and penalty from the purchaser directly. Any tax, interest,
13 additions to tax or penalty collected by the director from the purchaser shall be
14 credited against the amount otherwise due from the seller on the purchases or
15 sales where the exemption was claimed.]

16 2. If the director of revenue is not satisfied with the return and payment
17 of the tax made by any person, he is hereby authorized and empowered to make
18 an additional assessment of tax due from such person, based upon the facts
19 contained in the return or upon any information within his possession or that
20 shall come into his possession.

21 3. The director of revenue shall give to the person written notice of such
22 additional or revised assessment by certified or registered mail to the person at
23 his or its last known address.

144.212. 1. In addition to all other provisions of law provided for
2 **exemptions, when an exemption is claimed by a purchaser:**

3 **(1) The seller shall obtain identifying information of the**
4 **purchaser and the reason for claiming a tax exemption at the time of**
5 **the purchase;**

6 **(2) A purchaser shall not be required to provide a signature to**
7 **claim an exemption from tax unless a paper exemption certificate is**
8 **used;**

9 **(3) The seller shall use the standard form for claiming an**

10 exemption electronically prescribed by the director of the department
11 of revenue and acceptable to the streamlined sales and use tax
12 governing board;

13 (4) The seller shall obtain the same information for proof of a
14 claimed exemption regardless of the medium in which the transaction
15 occurred;

16 (5) The seller shall maintain proper records of exempt
17 transactions and provide such records to the director of the
18 department of revenue or the director's designee upon request;

19 (6) In the case of drop shipment sales, a third-party vendor, such
20 as a drop shipper, may claim a resale exemption based on an exemption
21 certificate provided by its customer or any other acceptable
22 information available to the third-party vendor evidencing
23 qualification for a resale exemption, regardless of whether the
24 customer is registered to collect and remit sales and use tax in the state
25 where the sale is sourced.

26 2. Sellers that comply with the requirements of this section shall
27 be relieved from collecting and remitting tax otherwise applicable if it
28 is determined that the purchaser improperly claimed an exemption and
29 such purchaser shall be liable for the nonpayment of tax. Relief from
30 liability provided under this section shall not apply to a seller who
31 fraudulently fails to collect tax; to a seller who solicits purchasers to
32 participate in the unlawful claim of an exemption; to a seller who
33 accepts an exemption certificate when the purchaser claims an entity-
34 based exemption when the subject of the transaction sought to be
35 covered by the exemption certificate is actually received by the
36 purchaser at a location operated by the seller and the state in which
37 that location resides provides an exemption certificate that clearly and
38 affirmatively indicates that the claimed exemption is not available in
39 such state; or to a seller who accepts an exemption certificate claiming
40 multiple points of use for tangible personal property other than
41 computer software for which an exemption claiming multiple points of
42 use.

43 (1) A seller shall be relieved from collecting and remitting tax
44 otherwise applicable if the seller obtains a fully completed exemption
45 certificate or captures the relevant data elements required under the
46 agreement within ninety days subsequent to the date of sale.

47 (2) If a seller fails to obtain an exemption certificate or all
48 relevant data elements as provided in this section, the seller may,
49 within one hundred twenty days subsequent to a request for
50 substantiation by the director of the department of revenue or the
51 director's designee, either prove that the transaction was not subject

52 to tax by other means or obtain a fully completed exemption certificate
53 from the purchaser, taken in good faith.

54 3. Nothing in this section shall affect the ability of the director
55 of the department of revenue or the director's designee to require
56 purchasers to update exemption certificate information or to reapply
57 with the state to claim certain exemptions.

58 4. Notwithstanding the provisions of subsection 2 of this section
59 to the contrary, the director shall relieve a seller of the tax otherwise
60 applicable if the seller obtains a blanket exemption certificate for a
61 purchaser with which the seller has a recurring business
62 relationship. The director shall not request from the seller renewal of
63 blanket certificates or updates of exemption certificate information or
64 data elements when there is a recurring business relationship between
65 the buyer and seller. For purposes of this section, a recurring business
66 relationship exists when a period of no more than twelve months
67 elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the
2 sales tax to collect the amount required to be reported and remitted, but not to
3 change the requirements of reporting or remitting tax or to serve as a levy of the
4 tax, and in order to avoid fractions of pennies, the director of revenue shall
5 establish brackets, showing the amounts of tax to be collected on sales of specified
6 amounts, which shall be applicable to all taxable transactions] **When the seller
7 is computing the amount of tax owed by the purchaser and remitted to
8 the state:**

9 (1) Tax computation shall be carried to the third decimal place;
10 and

11 (2) The tax shall be rounded to a whole cent using a method that
12 rounds up to the next cent whenever the third decimal place is greater
13 than four.

14 2. [In all instances where statements covering taxable purchases are
15 rendered to the taxpayer on a monthly or other periodic basis, the amount of tax
16 shall be determined by applying the applicable tax rate to the taxable purchases
17 represented on the statement, rounded to the nearest whole cent, or by
18 application of the brackets established by the director of revenue, at the option
19 of the retail vendor] **Sellers may elect to compute the tax due on a
20 transaction on an item or an invoice basis. The provision of this
21 subsection may be applied to the aggregated state and local taxes.**

22 3. No vendor or seller shall knowingly charge or receive from a purchaser
23 as a sales tax any sum in excess of the sums provided for in this section.

24 4. [A vendor may, at his option, determine the amount charged to and
25 received from each purchaser by use of a formula which applies the applicable tax
26 rate to each taxable purchase, rounded to the nearest whole cent. The formula

27 shall be uniformly and consistently applied to all purchases similarly situated.

28 5.] Amounts which a vendor charges to and receives from the purchaser
29 in accordance with this section shall not be includable in his gross receipts if the
30 amounts are separately charged or stated.

31 [6.] 5. If sales tax for one or more local political subdivisions is owed by
32 a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less
33 than all sales tax due for a filing period specified in section 144.080, the director
34 of revenue shall deposit the tax remitted proportionately to each taxing
35 jurisdiction in accordance with the percentage that each such jurisdiction's share
36 of the tax due for the filing period bears to the total tax due from such taxpayer
37 for such period. The unpaid balance due along with penalties and interest shall
38 be similarly prorated among the state and all local jurisdictions for which tax was
39 due during the filing period for which an underpayment occurs. The provisions
40 of this subsection shall apply to all returns or remittances relating to sales made
41 on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show
2 Me Green Sales Tax Holiday".

3 2. [For purposes of this section, the following terms mean:

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

7 (2) "Energy star certified", any appliance approved by both the United
8 States Environmental Protection Agency and the United States Department of
9 Energy as eligible to display the energy star label, as amended from time to time.

10 3.] In each year beginning on or after January 1, 2009, there is hereby
11 specifically exempted from state sales tax law all retail sales of any [energy star
12 certified] new appliance **that is an energy star qualified product**, up to one
13 thousand five hundred dollars per appliance, during a seven-day period beginning
14 at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

15 [4. A political subdivision may allow the sales tax holiday under this
16 section to apply to its local sales taxes by enacting an ordinance to that
17 effect. Any such political subdivision shall notify the department of revenue not
18 less than forty-five calendar days prior to the beginning date of the sales tax
19 holiday occurring in that year of any such ordinance or order.

20 5. This section may not apply to any retailer when less than two percent
21 of the retailer's merchandise offered for sale qualifies for the sales tax
22 holiday. The retailer shall offer a sales tax refund in lieu of the sales tax
23 holiday.]

144.655. 1. Every vendor, on or before the last day of the month following
2 each calendar quarterly period of three months, shall file with the director of
3 revenue a return of all taxes collected for the preceding quarter in the form
4 prescribed by the director of revenue, showing the total sales price of the tangible

5 personal property sold by the vendor, the storage, use or consumption of which
6 is subject to the tax levied by this law, and other information the director of
7 revenue deems necessary. The return shall be accompanied by a remittance of
8 the amount of the tax required to be collected by the vendor during the period
9 covered by the return. Returns shall be signed by the vendor or the vendor's
10 authorized agent. The director of revenue may promulgate rules or regulations
11 changing the filing and payment requirements of vendors, but shall not require
12 any vendor to file and pay more frequently than required in this section.

13 2. Where the aggregate amount of tax required to be collected by a vendor
14 is in excess of two hundred and fifty dollars for either the first or second month
15 of a calendar quarter, the vendor shall pay such aggregate amount for such
16 months to the director of revenue by the twentieth day of the succeeding
17 month. The amount so paid shall be allowed as a credit against the liability
18 shown on the vendor's quarterly return required by this section.

19 3. Where the aggregate amount of tax required to be collected by a vendor
20 is less than forty-five dollars in a calendar quarter, the director of revenue shall
21 by regulation permit the vendor to file a return for a calendar year. The return
22 shall be filed and the taxes paid on or before January thirty-first of the
23 succeeding year.

24 4. Except as provided in subsection 5 of this section, every person
25 purchasing tangible personal property, the storage, use or consumption of which
26 is subject to the tax levied by sections 144.600 to 144.748, who has not paid the
27 tax due to a vendor registered in accordance with the provisions of section
28 144.650, shall file with the director of revenue a return for the preceding
29 reporting period in the form and manner that the director of revenue prescribes,
30 showing the total sales price of the tangible property purchased during the
31 preceding reporting period and any other information that the director of revenue
32 deems necessary for the proper administration of sections 144.600 to
33 144.748. The return shall be accompanied by a remittance of the amount of the
34 tax required by sections 144.600 to 144.748 to be paid by the person. Returns
35 shall be signed by the person liable for the tax or such person's duly authorized
36 agent. For purposes of this subsection, the reporting period shall be determined
37 by the director of revenue and may be a calendar quarter or a calendar
38 year. Annual returns and payments required by the director pursuant to this
39 subsection shall be due on or before April fifteenth of the year for the preceding
40 calendar year and quarterly returns and payments shall be due on or before the
41 last day of the month following each calendar period of three months. Upon the
42 taxpayer's request, the director may allow the filing of such returns and payments
43 on a monthly basis. If a taxpayer elects to file a monthly return and payment,
44 such return and payment shall be due on or before the twentieth day of the
45 succeeding month.

46 5. Any person purchasing tangible personal property subject to the taxes

47 imposed by sections 144.600 to 144.748 shall not be required to file a use tax
 48 return with the director of revenue if such purchases on which such taxes were
 49 not paid do not exceed in the aggregate two thousand dollars in any calendar
 50 year.

51 6. Nothing in subsection 5 of this section shall relieve a vendor of liability
 52 to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total
 53 gross receipts of all sales of tangible personal property used, stored or consumed
 54 in this state and to remit all taxes collected to the director of revenue in
 55 accordance with the provisions of this section nor shall it relieve a purchaser from
 56 paying such taxes to a vendor registered in accordance with the provisions of
 57 section 144.650.

58 **7. Any out-of-state seller which is not legally required to register**
 59 **for use tax in this state but chooses to collect and remit use tax under**
 60 **sections 144.600 to 144.761 shall file a return for the calendar year. The**
 61 **return shall be filed and the taxes paid on or before January thirty-**
 62 **first of the succeeding year. In the event that any out-of-state seller**
 63 **which is not legally required to register for use tax in this state but**
 64 **chooses to collect and remit use tax under sections 144.600 to 144.761**
 65 **has accumulated state and local use tax funds in an amount equal to**
 66 **one thousand dollars or more, such vendor shall file a return and remit**
 67 **the amount due for the month in which the accumulated state and local**
 68 **use tax funds equal or exceed one thousand dollars.**

144.710. [From every remittance made by a vendor as required by sections
 2 144.600 to 144.745 to the director of revenue on or before the date when the
 3 remittance becomes due, the vendor may deduct and retain an amount equal to
 4 two percent thereof] **Sections 144.210 and 144.212, pertaining to the**
 5 **allowance for timely remittance of payment, are applicable to the tax**
 6 **levied by this law.**

221.407. 1. The commission of any regional jail district may impose, by
 2 order, a sales tax in the amount of one-eighth of one percent, one-fourth of one
 3 percent, three-eighths of one percent, or one-half of one percent on all retail sales
 4 made in such region which are subject to taxation pursuant to the provisions of
 5 sections 144.010 to 144.525 for the purpose of providing jail services and court
 6 facilities and equipment for such region. The tax authorized by this section shall
 7 be in addition to any and all other sales taxes allowed by law, except that no
 8 order imposing a sales tax pursuant to this section shall be effective unless the
 9 commission submits to the voters of the district, on any election date authorized
 10 in chapter 115, a proposal to authorize the commission to impose a tax.

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

13 Shall the regional jail district of (counties' names) impose a
 14 region-wide sales tax of (insert amount) for the purpose of providing

15 jail services and court facilities and equipment for the region?

16

YES

NO

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

19 If a majority of the votes cast on the proposal by the qualified voters of the
20 district voting thereon are in favor of the proposal, then the order and any
21 amendment to such order shall be in effect on the first day of the second
22 **calendar** quarter [immediately following the election approving the proposal]
23 **after the director of revenue receives notification of adoption of the**
24 **local sales tax.** If the proposal receives less than the required majority, the
25 commission shall have no power to impose the sales tax authorized pursuant to
26 this section unless and until the commission shall again have submitted another
27 proposal to authorize the commission to impose the sales tax authorized by this
28 section and such proposal is approved by the required majority of the qualified
29 voters of the district voting on such proposal; however, in no event shall a
30 proposal pursuant to this section be submitted to the voters sooner than twelve
31 months from the date of the last submission of a proposal pursuant to this
32 section.

33 3. All revenue received by a district from the tax authorized pursuant to
34 this section shall be deposited in a special trust fund and shall be used solely for
35 providing jail services and court facilities and equipment for such district for so
36 long as the tax shall remain in effect.

37 4. Once the tax authorized by this section is abolished or terminated by
38 any means, all funds remaining in the special trust fund shall be used solely for
39 providing jail services and court facilities and equipment for the district. Any
40 funds in such special trust fund which are not needed for current expenditures
41 may be invested by the commission in accordance with applicable laws relating
42 to the investment of other county funds.

43 5. All sales taxes collected by the director of revenue pursuant to this
44 section on behalf of any district, less one percent for cost of collection which shall
45 be deposited in the state's general revenue fund after payment of premiums for
46 surety bonds as provided in section 32.087, shall be deposited in a special trust
47 fund, which is hereby created, to be known as the "Regional Jail District Sales
48 Tax Trust Fund". The moneys in the regional jail district sales tax trust fund
49 shall not be deemed to be state funds and shall not be commingled with any funds
50 of the state. The director of revenue shall keep accurate records of the amount
51 of money in the trust fund which was collected in each district imposing a sales
52 tax pursuant to this section, and the records shall be open to the inspection of
53 officers of each member county and the public. Not later than the tenth day of
54 each month the director of revenue shall distribute all moneys deposited in the
55 trust fund during the preceding month to the district which levied the tax. Such
56 funds shall be deposited with the treasurer of each such district, and all

57 expenditures of funds arising from the regional jail district sales tax trust fund
58 shall be paid pursuant to an appropriation adopted by the commission and shall
59 be approved by the commission. Expenditures may be made from the fund for
60 any function authorized in the order adopted by the commission submitting the
61 regional jail district tax to the voters.

62 6. The director of revenue may authorize the state treasurer to make
63 refunds from the amounts in the trust fund and credited to any district for
64 erroneous payments and overpayments made, and may redeem dishonored checks
65 and drafts deposited to the credit of such districts. If any district abolishes the
66 tax, the commission shall notify the director of revenue of the action at least
67 ninety days prior to the effective date of the repeal, and the director of revenue
68 may order retention in the trust fund, for a period of one year, of two percent of
69 the amount collected after receipt of such notice to cover possible refunds or
70 overpayment of the tax and to redeem dishonored checks and drafts deposited to
71 the credit of such accounts. After one year has elapsed after the effective date of
72 abolition of the tax in such district, the director of revenue shall remit the
73 balance in the account to the district and close the account of that district. The
74 director of revenue shall notify each district in each instance of any amount
75 refunded or any check redeemed from receipts due the district.

76 7. Except as provided in this section, all provisions of sections 32.085 and
77 32.087 shall apply to the tax imposed pursuant to this section.

78 8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by
2 resolution impose a transportation development district sales tax on all retail
3 sales made in such transportation development district which are subject to
4 taxation pursuant to the provisions of sections 144.010 to 144.525, except such
5 transportation development district sales tax shall not apply to the sale or use of
6 motor vehicles, trailers, boats or outboard motors [nor to all sales of electricity
7 or electrical current, water and gas, natural or artificial, nor to sales of service
8 to telephone subscribers, either local or long distance]. Such transportation
9 development district sales tax may be imposed for any transportation
10 development purpose designated by the transportation development district in its
11 ballot of submission to its qualified voters, except that no resolution enacted
12 pursuant to the authority granted by this section shall be effective unless:

13 (a) The board of directors of the transportation development district
14 submits to the qualified voters of the transportation development district a
15 proposal to authorize the board of directors of the transportation development
16 district to impose or increase the levy of an existing tax pursuant to the
17 provisions of this section; or

18 (b) The voters approved the question certified by the petition filed
19 pursuant to subsection 5 of section 238.207.

20 (2) If the transportation district submits to the qualified voters of the

21 transportation development district a proposal to authorize the board of directors
22 of the transportation development district to impose or increase the levy of an
23 existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this
24 subsection, the ballot of submission shall contain, but need not be limited to, the
25 following language:

26 Shall the transportation development district of (transportation
27 development district's name) impose a transportation development district-wide
28 sales tax at the rate of (insert amount) for a period of (insert
29 number) years from the date on which such tax is first imposed for the purpose
30 of (insert transportation development purpose)?

31 YES NO

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

34 If a majority of the votes cast on the proposal by the qualified voters voting
35 thereon are in favor of the proposal, then the resolution and any amendments
36 thereto shall be in effect. If a majority of the votes cast by the qualified voters
37 voting are opposed to the proposal, then the board of directors of the
38 transportation development district shall have no power to impose the sales tax
39 authorized by this section unless and until the board of directors of the
40 transportation development district shall again have submitted another proposal
41 to authorize it to impose the sales tax pursuant to the provisions of this section
42 and such proposal is approved by a majority of the qualified voters voting
43 thereon.

44 (3) [The sales tax authorized by this section shall become effective on the
45 first day of the second calendar quarter after the department of revenue receives
46 notification of the tax.

47 (4) In each transportation development district in which a sales tax has
48 been imposed in the manner provided by this section, every retailer shall add the
49 tax imposed by the transportation development district pursuant to this section
50 to the retailer's sale price, and when so added such tax shall constitute a part of
51 the price, shall be a debt of the purchaser to the retailer until paid, and shall be
52 recoverable at law in the same manner as the purchase price.

53 (5) In order to permit sellers required to collect and report the sales tax
54 authorized by this section to collect the amount required to be reported and
55 remitted, but not to change the requirements of reporting or remitting tax or to
56 serve as a levy of the tax, and in order to avoid fractions of pennies, the
57 transportation development district may establish appropriate brackets which
58 shall be used in the district imposing a tax pursuant to this section in lieu of
59 those brackets provided in section 144.285.

60 (6)] All revenue received by a transportation development district from the
61 tax authorized by this section which has been designated for a certain
62 transportation development purpose shall be deposited in a special trust fund and

63 shall be used solely for such designated purpose. Upon the expiration of the
64 period of years approved by the qualified voters pursuant to subdivision (2) of this
65 subsection or if the tax authorized by this section is repealed pursuant to
66 subsection 6 of this section, all funds remaining in the special trust fund shall
67 continue to be used solely for such designated transportation development
68 purpose. Any funds in such special trust fund which are not needed for current
69 expenditures may be invested by the board of directors in accordance with
70 applicable laws relating to the investment of other transportation development
71 district funds.

72 ~~[(7)]~~ (4) The sales tax may be imposed in increments of one-eighth of one
73 percent, up to a maximum of one percent on the receipts from the sale at retail
74 of all tangible personal property or taxable services at retail within the
75 transportation development district adopting such tax, if such property and
76 services are subject to taxation by the state of Missouri pursuant to the
77 provisions of sections 144.010 to 144.525, except such transportation development
78 district sales tax shall not apply to the sale or use of motor vehicles, trailers,
79 boats or outboard motors [nor to public utilities]. Any transportation
80 development district sales tax imposed pursuant to this section shall be imposed
81 at a rate that shall be uniform throughout the district.

82 2. The resolution imposing the sales tax pursuant to this section shall
83 impose upon all sellers a tax for the privilege of engaging in the business of
84 selling tangible personal property or rendering taxable services at retail to the
85 extent and in the manner provided in sections 144.010 to 144.525, and the rules
86 and regulations of the director of revenue issued pursuant thereto; except that
87 the rate of the tax shall be the rate imposed by the resolution as the sales tax and
88 the tax shall be reported and returned to and collected by the transportation
89 development district.

90 3. [On and after the effective date of any tax imposed pursuant to this
91 section, the director of revenue shall perform all functions incident to the
92 administration, collection, enforcement, and operation of the tax, and the director
93 of revenue shall collect, in addition to all other sales taxes imposed by law, the
94 additional tax authorized pursuant to this section. The tax imposed pursuant to
95 this section and the taxes imposed pursuant to all other laws of the state of
96 Missouri shall be collected together and reported upon such forms and pursuant
97 to such administrative rules and regulations as may be prescribed by the director
98 of revenue.

99 4. (1) All applicable provisions contained in sections 144.010 to 144.525,
100 governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the
101 uniform confidentiality provision, shall apply to the collection of the tax imposed
102 by this section, except as modified in this section.

103 (2) All exemptions granted to agencies of government, organizations,
104 persons and to the sale of certain articles and items of tangible personal property

105 and taxable services pursuant to the provisions of sections 144.010 to 144.525 are
106 hereby made applicable to the imposition and collection of the tax imposed by this
107 section.

108 (3) The same sales tax permit, exemption certificate and retail certificate
109 required by sections 144.010 to 144.525 for the administration and collection of
110 the state sales tax shall satisfy the requirements of this section, and no
111 additional permit or exemption certificate or retail certificate shall be required;
112 except that the transportation development district may prescribe a form of
113 exemption certificate for an exemption from the tax imposed by this section.

114 (4) All discounts allowed the retailer pursuant to the provisions of the
115 state sales tax laws for the collection of and for payment of taxes pursuant to
116 such laws are hereby allowed and made applicable to any taxes collected pursuant
117 to the provisions of this section.

118 (5) The penalties provided in section 32.057 and sections 144.010 to
119 144.525 for violation of those sections are hereby made applicable to violations
120 of this section.

121 (6) For the purpose of a sales tax imposed by a resolution pursuant to this
122 section, all retail sales except retail sales of motor vehicles shall be deemed to be
123 consummated at the place of business of the retailer unless the tangible personal
124 property sold is delivered by the retailer or the retailer's agent to an out-of-state
125 destination or to a common carrier for delivery to an out-of-state destination. In
126 the event a retailer has more than one place of business in this state which
127 participates in the sale, the sale shall be deemed to be consummated at the place
128 of business of the retailer where the initial order for the tangible personal
129 property is taken, even though the order must be forwarded elsewhere for
130 acceptance, approval of credit, shipment or billing. A sale by a retailer's
131 employee shall be deemed to be consummated at the place of business from which
132 the employee works.

133 5.] All sales taxes received by the transportation development district shall
134 be deposited by the director of revenue in a special fund to be expended for the
135 purposes authorized in this section. The director of revenue shall keep accurate
136 records of the amount of money which was collected pursuant to this section, and
137 the records shall be open to the inspection of officers of each transportation
138 development district and the general public.

139 [6.] 4. (1) No transportation development district imposing a sales tax
140 pursuant to this section may repeal or amend such sales tax unless such repeal
141 or amendment will not impair the district's ability to repay any liabilities which
142 it has incurred, money which it has borrowed or revenue bonds, notes or other
143 obligations which it has issued or which have been issued by the commission or
144 any local transportation authority to finance any project or projects.

145 (2) Whenever the board of directors of any transportation development
146 district in which a transportation development sales tax has been imposed in the

147 manner provided by this section receives a petition, signed by ten percent of the
148 qualified voters calling for an election to repeal such transportation development
149 sales tax, the board of directors shall, if such repeal will not impair the district's
150 ability to repay any liabilities which it has incurred, money which it has borrowed
151 or revenue bonds, notes or other obligations which it has issued or which have
152 been issued by the commission or any local transportation authority to finance
153 any project or projects, submit to the qualified voters of such transportation
154 development district a proposal to repeal the transportation development sales
155 tax imposed pursuant to the provisions of this section. If a majority of the votes
156 cast on the proposal by the qualified voters voting thereon are in favor of the
157 proposal to repeal the transportation development sales tax, then the resolution
158 imposing the transportation development sales tax, along with any amendments
159 thereto, is repealed. If a majority of the votes cast by the qualified voters voting
160 thereon are opposed to the proposal to repeal the transportation development
161 sales tax, then the ordinance or resolution imposing the transportation
162 development sales tax, along with any amendments thereto, shall remain in
163 effect.

164 [7.] **5.** Notwithstanding any provision of sections 99.800 to 99.865 and
165 this section to the contrary, the sales tax imposed by a district whose project is
166 a public mass transportation system shall not be considered economic activity
167 taxes as such term is defined under sections 99.805 and 99.918 and shall not be
168 subject to allocation under the provisions of subsection 3 of section 99.845, or
169 subsection 4 of section 99.957.

170 **6. After the effective date of any tax imposed under the**
171 **provisions of this section, the director of revenue shall perform all**
172 **functions incident to the administration, collection, enforcement, and**
173 **operation of the tax and collect, in addition to the sales tax for the**
174 **state of Missouri, the additional tax authorized under the authority of**
175 **this section. The tax imposed under this section and the tax imposed**
176 **under the sales tax law of the state of Missouri shall be collected**
177 **together and reported upon such forms and under such administrative**
178 **rules and regulations as may be prescribed by the director of revenue.**

179 **7. Except as provided in this section, all provisions of sections**
180 **32.085 to 32.087 shall apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established pursuant to section
2 238.400 may impose a sales tax of up to one percent on all retail sales made in
3 such county which are subject to taxation under the provisions of sections 144.010
4 to 144.525. The tax authorized by this section shall be in addition to any and all
5 other sales taxes allowed by law, except that no sales tax imposed under the
6 provisions of this section shall be effective unless the governing body of the
7 county, on behalf of the transit authority, submits to the voters of the county, at
8 a county or state general, primary or special election, a proposal to authorize the

9 transit authority to impose a tax.

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

12 Shall the Transit Authority impose a countywide sales tax of
13 (insert amount) in order to provide revenues for the operation of transportation
14 facilities operated by the transit authority?

15 YES NO

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

18 If a majority of the votes cast on the proposal by the qualified voters voting
19 thereon are in favor of the proposal, then the tax shall become effective on the
20 first day of the second calendar quarter following notification to the department
21 of revenue of adoption of the tax. If a majority of the votes cast by the qualified
22 voters voting are opposed to the proposal, then the transit authority shall have
23 no power to impose the sales tax authorized by this section unless and until
24 another proposal to authorize the transit authority to impose the sales tax
25 authorized by this section has been submitted and such proposal is approved by
26 a majority of the qualified voters voting thereon.

27 3. All revenue received by the transit authority from the tax authorized
28 under the provisions of this section shall be deposited in a special trust fund and
29 shall be used solely by the transit authority for construction, purchase, lease,
30 maintenance and operation of transportation facilities located within the county
31 for so long as the tax shall remain in effect. Any funds in such special trust fund
32 which are not needed for current expenditures may be invested by the transit
33 authority in accordance with applicable laws relating to the investment of county
34 funds.

35 4. No transit authority imposing a sales tax pursuant to this section may
36 repeal or amend such sales tax unless such repeal or amendment is submitted to
37 and approved by the voters of the county in the same manner as provided in
38 subsection 1 of this section for approval of such tax. Whenever the governing
39 body of any county in which a sales tax has been imposed in the manner provided
40 by this section receives a petition, signed by ten percent of the registered voters
41 of such county voting in the last gubernatorial election, calling for an election to
42 repeal such sales tax, the governing body shall submit to the voters of such
43 county a proposal to repeal the sales tax imposed under the provisions of this
44 section. If a majority of the votes cast on the proposal by the registered voters
45 voting thereon are in favor of the proposal to repeal the sales tax, then such sales
46 tax is repealed. If a majority of the votes cast by the registered voters voting
47 thereon are opposed to the proposal to repeal the sales tax, then such sales tax
48 shall remain in effect.

49 5. The sales tax imposed under the provisions of this section shall impose
50 upon all sellers a tax for the privilege of engaging in the business of selling

51 tangible personal property or rendering taxable services at retail to the extent
52 and in the manner provided in sections 144.010 to 144.525 and the rules and
53 regulations of the director of revenue issued pursuant thereto; except that the
54 rate of the tax shall be the rate approved pursuant to this section. The amount
55 reported and returned to the director of revenue by the seller shall be computed
56 on the basis of the combined rate of the tax imposed by sections 144.010 to
57 144.525 and the tax imposed by this section, plus any amounts imposed under
58 other provisions of law.

59 6. After the effective date of any tax imposed under the provisions of this
60 section, the director of revenue shall perform all functions incident to the
61 administration, collection, enforcement, and operation of the tax, and the director
62 of revenue shall collect in addition to the sales tax for the state of Missouri the
63 additional tax authorized under the authority of this section. The tax imposed
64 under this section and the tax imposed under the sales tax law of the state of
65 Missouri shall be collected together and reported upon such forms and under such
66 administrative rules and regulations as may be prescribed by the director of
67 revenue. In order to permit sellers required to collect and report the sales tax to
68 collect the amount required to be reported and remitted, but not to change the
69 requirements of reporting or remitting tax or to serve as a levy of the tax, and in
70 order to avoid fractions of pennies, the applicable provisions of section 144.285
71 shall apply to all taxable transactions.

72 7. All applicable provisions contained in sections 144.010 to 144.525
73 governing the state sales tax and section 32.057, the uniform confidentiality
74 provision, shall apply to the collection of the tax imposed by this section, except
75 as modified in this section. All exemptions granted to agencies of government,
76 organizations, persons and to the sale of certain articles and items of tangible
77 personal property and taxable services under the provisions of sections 144.010
78 to 144.525 are hereby made applicable to the imposition and collection of the tax
79 imposed by this section. The same sales tax permit, exemption certificate and
80 retail certificate required by sections 144.010 to 144.525 for the administration
81 and collection of the state sales tax shall satisfy the requirements of this section,
82 and no additional permit or exemption certificate or retail certificate shall be
83 required; except that the director of revenue may prescribe a form of exemption
84 certificate for an exemption from the tax imposed by this section. All discounts
85 allowed the retailer under the provisions of the state sales tax law for the
86 collection of and for payment of taxes under chapter 144 are hereby allowed and
87 made applicable to any taxes collected under the provisions of this section. The
88 penalties provided in section 32.057 and sections 144.010 to 144.525 for a
89 violation of those sections are hereby made applicable to violations of this section.

90 8. [For the purposes of a sales tax imposed pursuant to this section, all
91 retail sales shall be deemed to be consummated at the place of business of the
92 retailer, except for tangible personal property sold which is delivered by the

93 retailer or his agent to an out-of-state destination or to a common carrier for
94 delivery to an out-of-state destination and except for the sale of motor vehicles,
95 trailers, boats and outboard motors, which is provided for in subsection 12 of this
96 section. In the event a retailer has more than one place of business in this state
97 which participates in the sale, the sale shall be deemed to be consummated at the
98 place of business of the retailer where the initial order for the tangible personal
99 property is taken, even though the order must be forwarded elsewhere for
100 acceptance, approval of credit, shipment or billing. A sale by a retailer's
101 employee shall be deemed to be consummated at the place of business from which
102 he works.

103 **9.]** All sales taxes collected by the director of revenue under this section
104 on behalf of any transit authority, less one percent for cost of collection which
105 shall be deposited in the state's general revenue fund after payment of premiums
106 for surety bonds as provided in this section, shall be deposited in the state
107 treasury in a special trust fund, which is hereby created, to be known as the
108 "County Transit Authority Sales Tax Trust Fund". The moneys in the county
109 transit authority sales tax trust fund shall not be deemed to be state funds and
110 shall not be commingled with any funds of the state. The director of revenue
111 shall keep accurate records of the amount of money in the trust fund which was
112 collected in each transit authority imposing a sales tax under this section, and
113 the records shall be open to the inspection of officers of the county and the
114 public. Not later than the tenth day of each month the director of revenue shall
115 distribute all moneys deposited in the trust fund during the preceding month to
116 the transit authority which levied the tax.

117 **[10.] 9.** The director of revenue may authorize the state treasurer to
118 make refunds from the amounts in the trust fund and credited to any transit
119 authority for erroneous payments and overpayments made, and may authorize the
120 state treasurer to redeem dishonored checks and drafts deposited to the credit of
121 such transit authorities. If any transit authority abolishes the tax, the transit
122 authority shall notify the director of revenue of the action at least ninety days
123 prior to the effective date of the repeal and the director of revenue may order
124 retention in the trust fund, for a period of one year, of two percent of the amount
125 collected after receipt of such notice to cover possible refunds or overpayment of
126 the tax and to redeem dishonored checks and drafts deposited to the credit of
127 such accounts. After one year has elapsed after the effective date of abolition of
128 the tax in such transit authority, the director of revenue shall authorize the state
129 treasurer to remit the balance in the account to the transit authority and close
130 the account of that transit authority. The director of revenue shall notify each
131 transit authority of each instance of any amount refunded or any check redeemed
132 from receipts due the transit authority. The director of revenue shall annually
133 report on his management of the trust fund and administration of the sales taxes
134 authorized by this section. He shall provide each transit authority imposing the

135 tax authorized by this section with a detailed accounting of the source of all funds
136 received by him for the transit authority.

137 **[11.] 10.** The director of revenue and any of his deputies, assistants and
138 employees who shall have any duties or responsibilities in connection with the
139 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
140 or recording of funds which come into the hands of the director of revenue under
141 the provisions of this section shall enter a surety bond or bonds payable to any
142 and all transit authorities in whose behalf such funds have been collected under
143 this section in the amount of one hundred thousand dollars; but the director of
144 revenue may enter into a blanket bond or bonds covering himself and all such
145 deputies, assistants and employees. The cost of the premium or premiums for the
146 surety bond or bonds shall be paid by the director of revenue from the share of
147 the collection retained by the director of revenue for the benefit of the state.

148 **[12.] 11.** Sales taxes imposed pursuant to this section and use taxes on
149 the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall
150 not be collected and remitted by the seller, but shall be collected by the director
151 of revenue at the time application is made for a certificate of title, if the address
152 of the applicant is within a county where a sales tax is imposed under this
153 section. The amounts so collected, less the one percent collection cost, shall be
154 deposited in the county transit authority sales tax trust fund. The purchase or
155 sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be
156 consummated at the address of the applicant. As used in this subsection, the
157 term "boat" shall only include motorboats and vessels as the terms "motorboat"
158 and "vessel" are defined in section 306.010.

159 **[13.] 12.** In any county where the transit authority sales tax has been
160 imposed, if any person is delinquent in the payment of the amount required to be
161 paid by him under this section or in the event a determination has been made
162 against him for taxes and penalty under this section, the limitation for bringing
163 suit for the collection of the delinquent tax and penalty shall be the same as that
164 provided in sections 144.010 to 144.525. Where the director of revenue has
165 determined that suit must be filed against any person for the collection of
166 delinquent taxes due the state under the state sales tax law, and where such
167 person is also delinquent in payment of taxes under this section, the director of
168 revenue shall notify the transit authority to which delinquent taxes are due
169 under this section by United States registered mail or certified mail at least ten
170 days before turning the case over to the attorney general. The transit authority,
171 acting through its attorney, may join in such suit as a party plaintiff to seek a
172 judgment for the delinquent taxes and penalty due such transit authority. In the
173 event any person fails or refuses to pay the amount of any sales tax due under
174 this section, the director of revenue shall promptly notify the transit authority to
175 which the tax would be due so that appropriate action may be taken by the
176 transit authority.

177 [14.] **13.** Where property is seized by the director of revenue under the
178 provisions of any law authorizing seizure of the property of a taxpayer who is
179 delinquent in payment of the tax imposed by the state sales tax law, and where
180 such taxpayer is also delinquent in payment of any tax imposed by this section,
181 the director of revenue shall permit the transit authority to join in any sale of
182 property to pay the delinquent taxes and penalties due the state and to the
183 transit authority under this section. The proceeds from such sale shall first be
184 applied to all sums due the state, and the remainder, if any, shall be applied to
185 all sums due such transit authority under this section.

186 [15. The transit authority created under the provisions of sections 238.400
187 to 238.412 shall notify any and all affected businesses of the change in tax rate
188 caused by the imposition of the tax authorized by sections 238.400 to 238.412.

189 [16.] **14.** In the event that any transit authority in any county with a
190 charter form of government and with more than two hundred fifty thousand but
191 fewer than three hundred fifty thousand inhabitants submits a proposal in any
192 election to increase the sales tax under this section, and such proposal is
193 approved by the voters, the county shall be reimbursed for the costs of submitting
194 such proposal from the funds derived from the tax levied under this section.

195 **15. Except as provided in sections 238.400 to 238.412, all**
196 **provisions of sections 32.085 to 32.087 shall apply to the tax imposed**
197 **under sections 238.410 to 238.412.**

 [66.601. The duties of the director of revenue with respect
2 to the allocation, division and distribution of sales and use tax
3 proceeds determined to be due any county of the first classification
4 having a charter form of government and having a population of
5 nine hundred thousand or more inhabitants and all municipalities
6 within such county, resulting from taxes levied or imposed under
7 the authority of sections 66.600 to 66.630, section 144.748, and
8 sections 94.850 to 94.857, may be delegated to the county levying
9 the county sales tax under sections 66.600 to 66.630, at the
10 discretion of the director of revenue and with the consent of the
11 county. Notwithstanding the provisions of section 32.057 to the
12 contrary, if such duties are so assigned, the director of revenue
13 shall furnish the county with sufficient information to perform such
14 duties in such form as may be agreed upon by the director and the
15 county at no cost to the county. The county shall be bound by the
16 provisions of section 32.057, and shall use any information
17 provided by the director of revenue under the provisions of this
18 section solely for the purpose of allocating, dividing and
19 distributing such sales and use tax revenues. The county shall
20 exercise all of the director's powers and duties with respect to such
21 allocation, division and distribution, and shall receive no fee for

22 carrying out such powers and duties.]

2 [67.1713. Beginning January 1, 2002, there is hereby
3 specifically exempted from the tax imposed pursuant to section
4 67.1712 all sales of food as defined by section 144.014.]

2 [67.1971. All entities remitting the sales tax authorized
3 pursuant to section 67.1959 shall have their liability reduced by an
4 amount equal to twenty-five percent of any taxes collected and
5 remitted pursuant to sections 94.802 to 94.805.]

2 [144.069. All sales taxes associated with the titling of motor
3 vehicles, trailers, boats and outboard motors under the laws of
4 Missouri shall be imposed at the rate in effect at the location of the
5 address of the owner thereof, and all sales taxes associated with
6 the titling of vehicles under leases of over sixty-day duration of
7 motor vehicles, trailers, boats and outboard motors shall be
8 imposed at the rate in effect, unless the vehicle, trailer, boat or
9 motor has been registered and sales taxes have been paid prior to
10 the consummation of the lease agreement at the location of the
11 address of the lessee thereof on the date the lease is consummated,
12 and all applicable sales taxes levied by any political subdivision
13 shall be collected and remitted on such sales from the purchaser or
14 lessee by the state department of revenue on that basis.]

2 [144.517. In addition to the exemptions granted pursuant
3 to section 144.030, there shall also be exempted from state sales
4 and use taxes all sales of textbooks, as defined by section 170.051,
5 when such textbook is purchased by a student who possesses proof
6 of current enrollment at any Missouri public or private university,
7 college or other postsecondary institution of higher learning
8 offering a course of study leading to a degree in the liberal arts,
9 humanities or sciences or in a professional, vocational or technical
10 field, provided that the books which are exempt from state sales
11 tax are those required or recommended for a class. Upon request
12 the institution or department must provide at least one list of
13 textbooks to the bookstore each semester. Alternately, the student
14 may provide to the bookstore a list from the instructor, department
15 or institution of his or her required or recommended
16 textbooks. This exemption shall not apply to any locally imposed
17 sales or use tax.]

2 [144.605. The following words and phrases as used in
3 sections 144.600 to 144.745 mean and include:

3 (1) "Calendar quarter", the period of three consecutive
4 calendar months ending on March thirty-first, June thirtieth,
5 September thirtieth or December thirty-first;

- 6 (2) "Engages in business activities within this state"
7 includes:
- 8 (a) Maintaining or having a franchisee or licensee operating
9 under the seller's trade name in this state if the franchisee or
10 licensee is required to collect sales tax pursuant to sections 144.010
11 to 144.525;
- 12 (b) Soliciting sales or taking orders by sales agents or
13 traveling representatives;
- 14 (c) A vendor is presumed to engage in business activities
15 within this state if any person, other than a common carrier acting
16 in its capacity as such, that has substantial nexus with this state:
- 17 a. Sells a similar line of products as the vendor and does so
18 under the same or a similar business name;
- 19 b. Maintains an office, distribution facility, warehouse, or
20 storage place, or similar place of business in the state to facilitate
21 the delivery of property or services sold by the vendor to the
22 vendor's customers;
- 23 c. Delivers, installs, assembles, or performs maintenance
24 services for the vendor's customers within the state;
- 25 d. Facilitates the vendor's delivery of property to customers
26 in the state by allowing the vendor's customers to pick up property
27 sold by the vendor at an office, distribution facility, warehouse,
28 storage place, or similar place of business maintained by the person
29 in the state; or
- 30 e. Conducts any other activities in the state that are
31 significantly associated with the vendor's ability to establish and
32 maintain a market in the state for the sales;
- 33 (d) The presumption in paragraph (c) may be rebutted by
34 demonstrating that the person's activities in the state are not
35 significantly associated with the vendor's ability to establish or
36 maintain a market in this state for the vendor's sales;
- 37 (e) Notwithstanding paragraph (c), a vendor shall be
38 presumed to engage in business activities within this state if the
39 vendor enters into an agreement with one or more residents of this
40 state under which the resident, for a commission or other
41 consideration, directly or indirectly refers potential customers,
42 whether by a link on an internet website, an in-person oral
43 presentation, telemarketing, or otherwise, to the vendor, if the
44 cumulative gross receipts from sales by the vendor to customers in
45 the state who are referred to the vendor by all residents with this
46 type of an agreement with the vendor is in excess of ten thousand
47 dollars during the preceding twelve months;

48 (f) The presumption in paragraph (e) may be rebutted by
49 submitting proof that the residents with whom the vendor has an
50 agreement did not engage in any activity within the state that was
51 significantly associated with the vendor's ability to establish or
52 maintain the vendor's market in the state during the preceding
53 twelve months. Such proof may consist of sworn written
54 statements from all of the residents with whom the vendor has an
55 agreement stating that they did not engage in any solicitation in
56 the state on behalf of the vendor during the preceding year
57 provided that such statements were provided and obtained in good
58 faith;

59 (3) "Maintains a place of business in this state" includes
60 maintaining, occupying, or using, permanently or temporarily,
61 directly or indirectly, by whatever name called, an office, place of
62 distribution, sales or sample room or place, warehouse or storage
63 place, or other place of business in this state, whether owned or
64 operated by the vendor or by any other person other than a
65 common carrier acting in its capacity as such;

66 (4) "Person", any individual, firm, copartnership, joint
67 venture, association, corporation, municipal or private, and
68 whether organized for profit or not, state, county, political
69 subdivision, state department, commission, board, bureau or
70 agency, except the state transportation department, estate, trust,
71 business trust, receiver or trustee appointed by the state or federal
72 court, syndicate, or any other group or combination acting as a
73 unit, and the plural as well as the singular number;

74 (5) "Purchase", the acquisition of the ownership of, or title
75 to, tangible personal property, through a sale, as defined herein, for
76 the purpose of storage, use or consumption in this state;

77 (6) "Purchaser", any person who is the recipient for a
78 valuable consideration of any sale of tangible personal property
79 acquired for use, storage or consumption in this state;

80 (7) "Sale", any transfer, barter or exchange of the title or
81 ownership of tangible personal property, or the right to use, store
82 or consume the same, for a consideration paid or to be paid, and
83 any transaction whether called leases, rentals, bailments, loans,
84 conditional sales or otherwise, and notwithstanding that the title
85 or possession of the property or both is retained for security. For
86 the purpose of this law the place of delivery of the property to the
87 purchaser, user, storer or consumer is deemed to be the place of
88 sale, whether the delivery be by the vendor or by common carriers,
89 private contractors, mails, express, agents, salesmen, solicitors,

90 hawkers, representatives, consignors, peddlers, canvassers or
91 otherwise;

92 (8) "Sales price", the consideration including the charges for
93 services, except charges incident to the extension of credit, paid or
94 given, or contracted to be paid or given, by the purchaser to the
95 vendor for the tangible personal property, including any services
96 that are a part of the sale, valued in money, whether paid in money
97 or otherwise, and any amount for which credit is given to the
98 purchaser by the vendor, without any deduction therefrom on
99 account of the cost of the property sold, the cost of materials used,
100 labor or service cost, losses or any other expenses whatsoever,
101 except that cash discounts allowed and taken on sales shall not be
102 included and "sales price" shall not include the amount charged for
103 property returned by customers upon rescission of the contract of
104 sales when the entire amount charged therefor is refunded either
105 in cash or credit or the amount charged for labor or services
106 rendered in installing or applying the property sold, the use,
107 storage or consumption of which is taxable pursuant to sections
108 144.600 to 144.745. In determining the amount of tax due
109 pursuant to sections 144.600 to 144.745, any charge incident to the
110 extension of credit shall be specifically exempted;

111 (9) "Selling agent", every person acting as a representative
112 of a principal, when such principal is not registered with the
113 director of revenue of the state of Missouri for the collection of the
114 taxes imposed pursuant to sections 144.010 to 144.525 or sections
115 144.600 to 144.745 and who receives compensation by reason of the
116 sale of tangible personal property of the principal, if such property
117 is to be stored, used, or consumed in this state;

118 (10) "Storage", any keeping or retention in this state of
119 tangible personal property purchased from a vendor, except
120 property for sale or property that is temporarily kept or retained
121 in this state for subsequent use outside the state;

122 (11) "Tangible personal property", all items subject to the
123 Missouri sales tax as provided in subdivisions (1) and (3) of section
124 144.020;

125 (12) "Taxpayer", any person remitting the tax or who should
126 remit the tax levied by sections 144.600 to 144.745;

127 (13) "Use", the exercise of any right or power over tangible
128 personal property incident to the ownership or control of that
129 property, except that it does not include the temporary storage of
130 property in this state for subsequent use outside the state, or the
131 sale of the property in the regular course of business;

132 (14) "Vendor", every person engaged in making sales of
133 tangible personal property by mail order, by advertising, by agent
134 or peddling tangible personal property, soliciting or taking orders
135 for sales of tangible personal property, for storage, use or
136 consumption in this state, all salesmen, solicitors, hawkers,
137 representatives, consignees, peddlers or canvassers, as agents of
138 the dealers, distributors, consignors, supervisors, principals or
139 employers under whom they operate or from whom they obtain the
140 tangible personal property sold by them, and every person who
141 maintains a place of business in this state, maintains a stock of
142 goods in this state, or engages in business activities within this
143 state and every person who engages in this state in the business of
144 acting as a selling agent for persons not otherwise vendors as
145 defined in this subdivision. Irrespective of whether they are
146 making sales on their own behalf or on behalf of the dealers,
147 distributors, consignors, supervisors, principals or employers, they
148 must be regarded as vendors and the dealers, distributors,
149 consignors, supervisors, principals or employers must be regarded
150 as vendors for the purposes of sections 144.600 to 144.745.]

2 [144.1000. Sections 144.1000 to 144.1015 shall be known as
and referred to as the "Simplified Sales and Use Tax
3 Administration Act".]

2 [144.1003. As used in sections 144.1000 to 144.1015, the
following terms shall mean: (1) "Agreement", the streamlined sales
3 and use tax agreement; (2) "Certified automated system", software
4 certified jointly by the states that are signatories to the agreement
5 to calculate the tax imposed by each jurisdiction on a transaction,
6 determine the amount of tax to remit to the appropriate state and
7 maintain a record of the transaction; (3) "Certified service
8 provider", an agent certified jointly by the states that are
9 signatories to the agreement to perform all of the seller's sales tax
10 functions; (4) "Person", an individual, trust, estate, fiduciary,
11 partnership, limited liability company, limited liability partnership,
12 corporation or any other legal entity; (5) "Sales tax", any sales tax
13 levied pursuant to this chapter, section 32.085, or any other sales
14 tax authorized by statute and levied by this state or its political
15 subdivisions; (6) "Seller", any person making sales, leases or
16 rentals of personal property or services; (7) "State", any state of
17 the United States and the District of Columbia; (8) "Use tax", the
18 use tax levied pursuant to this chapter.]

2 [144.1006. For the purposes of reviewing and, if necessary,
amending the agreement embodying the simplification

3 recommendations contained in section 144.1015, the state may
4 enter into multistate discussions. For purposes of such discussions,
5 the state shall be represented by seven delegates, one of whom
6 shall be appointed by the governor, two members appointed by the
7 speaker of the house of representatives, one member appointed by
8 the minority leader of the house of representatives, two members
9 appointed by the president pro tempore of the senate and one
10 member appointed by the minority leader of the senate. The
11 delegates need not be members of the general assembly and at
12 least one of the delegates appointed by the speaker of the house of
13 representatives and one member appointed by the president pro
14 tempore of the senate shall be from the private sector and
15 represent the interests of Missouri businesses. The delegates shall
16 recommend to the committees responsible for reviewing tax issues
17 in the senate and the house of representatives each year any
18 amendment of state statutes required to be substantially in
19 compliance with the agreement. Such delegates shall make a
20 written report by the fifteenth day of January each year regarding
21 the status of the multistate discussions and upon final adoption of
22 the terms of the sales and use tax agreement by the multistate
23 body.]

[144.1009. No provision of the agreement authorized by
2 sections 144.1000 to 144.1015 in whole or in part invalidates or
3 amends any provision of the law of this state. Implementation of
4 any condition of this agreement in this state, whether adopted
5 before, at, or after membership of this state in the agreement, must
6 be by action of the general assembly. Such report shall be
7 delivered to the governor, the secretary of state, the president pro
8 tempore of the senate and the speaker of the house of
9 representatives and shall simultaneously be made publicly
10 available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the
2 delegates shall not enter into or vote for any streamlined sales and
3 use tax agreement that:

4 (1) Requires adoption of a definition of any term that would
5 cause any item or transaction that is now excluded or exempted
6 from sales or use tax to become subject to sales or use tax;

7 (2) Requires the state of Missouri to fully exempt or fully
8 apply sales taxes to the sale of food or any other item;

9 (3) Restricts the ability of local governments under statutes
10 in effect on August 28, 2002, to enact one or more local taxes on
11 one or more items without application of the tax to all sales within

12 the taxing jurisdiction, however, restriction of any such taxes
13 allowed by statutes effective after August 28, 2002, may be
14 supported;

15 (4) Provides for adoption of any uniform rate structure that
16 would result in a tax increase for any Missouri taxpayer;

17 (5) Affects the sourcing of sales tax transactions; or

18 (6) Prohibits limitations or thresholds on the application of
19 sales and use tax rates or prohibits any current sales or use tax
20 exemption in the state of Missouri, including exemptions that are
21 based on the value of the transaction or item.]

2 [144.1015. In addition to the requirements of section
3 144.1012, the delegates should consider the following features
4 when deciding whether or not to enter into any streamlined sales
5 and use tax agreement:

6 (1) The agreement should address the limitation of the
7 number of state rates over time;

8 (2) The agreement should establish uniform standards for
9 administration of exempt sales and the form used for filing sales
10 and use tax returns and remittances;

11 (3) The agreement should require the state to provide a
12 central, electronic registration system that allows a seller to
13 register to collect and remit sales and use taxes for all signatory
14 states;

15 (4) The agreement should provide that registration with the
16 central registration system and the collection of sales and use taxes
17 in the signatory states will not be used as a factor in determining
18 whether the seller has nexus with a state for any tax;

19 (5) The agreement should provide for reduction of the
20 burdens of complying with local sales and use taxes through the
21 following so long as they do not conflict with the provisions of
22 section 144.1012:

23 (a) Restricting variances between the state and local tax
24 bases;

25 (b) Requiring states to administer any sales and use taxes
26 levied by local jurisdictions within the state so that sellers
27 collecting and remitting these taxes will not have to register or file
28 returns with, remit funds to, or be subject to independent audits
29 from local taxing jurisdictions;

30 (c) Restricting the frequency of changes in the local sales
31 and use tax rates and setting effective dates for the application of
32 local jurisdictional boundary changes to local sales and use taxes;
and

33 (d) Providing notice of changes in local sales and use tax
34 rates and of changes in the boundaries of local taxing jurisdictions;

35 (6) The agreement should outline any monetary allowances
36 that are to be provided by the states to sellers or certified service
37 providers. The agreement must allow for a joint public and private
38 sector study of the compliance cost on sellers and certified service
39 providers to collect sales and use taxes for state and local
40 governments under various levels of complexity to be completed by
41 July 1, 2003;

42 (7) The agreement should require each state to certify
43 compliance with the terms of the agreement prior to joining and to
44 maintain compliance, under the laws of the member state, with all
45 provisions of the agreement while a member, only if the agreement
46 and any amendment thereto complies with the provisions of section
47 144.1012;

48 (8) The agreement should require each state to adopt a
49 uniform policy for certified service providers that protects the
50 privacy of consumers and maintains the confidentiality of tax
51 information; and

52 (9) The agreement should provide for the appointment of an
53 advisory council of private sector representatives and an advisory
54 council of nonmember state representatives to consult with in the
55 administration of the agreement.]

Section B. This act shall become effective on January 1, 2018.

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