

FIRST REGULAR SESSION

SENATE BILL NO. 105

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0583S.01I

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, 67.745, 3 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1713, 67.1775, 67.1959, 4 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 5 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.080, 144.083, 6 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 7 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, and 8 238.410, RSMo, are repealed and sixty-seven new sections enacted in lieu thereof, to 9 be known as sections 32.070, 32.086, 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 10 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 11 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1775, 67.1959, 67.2000, 12 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.022, 13 144.030, 144.032, 144.049, 144.054, 144.080, 144.082, 144.083, 144.084, 144.100, 14 144.105, 144.110, 144.111, 144.112, 144.113, 144.114, 144.123, 144.124, 144.125, 15 144.140, 144.210, 144.212, 144.285, 144.526, 144.655, 144.710, 221.407, 238.235, and 238.410,

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

16 to read as follows:

17 **32.070. 1. This act shall be known and may be cited as the**
18 **19 "Missouri Main Street Fairness Act".**

19 **2. (1) Beginning on January first following the effective date of**
20 **21 this act, all revenue generated under the streamlined sales and use tax**
22 **23 agreement act that exceeds the amount of revenue that would have**
24 **25 been collected if the streamlined sales and use tax agreement act were**
26 **27 not effective shall be deposited in the streamlined sales and use tax**
28 **29 agreement special fund created in this section and appropriated solely**
29 **30 for the approved purposes. The department of revenue shall track and**
30 **31 report the collections generated under this act.**

31 **(2) There is hereby created in the state treasury the "Streamlined**
32 **33 Sales and Use Tax Agreement Special Fund", which shall consist of**
33 **34 money collected under this subsection. The state treasurer shall be**
34 **35 custodian of the fund. In accordance with sections 30.170 and 30.180,**
35 **36 the state treasurer may approve disbursements. The fund shall be a**
36 **dedicated fund and, upon appropriation, money in the fund shall be**
used solely to make payments to any person or entity providing child
care services to a child under section 208.046. Notwithstanding the
provisions of section 33.080 to the contrary, any moneys remaining in
the fund at the end of the biennium shall not revert to the credit of the
general revenue fund. The state treasurer shall invest moneys in the
fund in the same manner as other funds are invested. Any interest and
moneys earned on such investments shall be credited to the fund.

37 **3. The director of the department of revenue shall enter into the**
38 **39 streamlined sales and use tax agreement with one or more states to**
39 **40 simplify and modernize sales and use tax administration in order to**
40 **41 substantially reduce the burden of tax compliance for all sellers and for**
41 **42 all types of commerce. In furtherance of the streamlined sales and use**
42 **43 tax agreement, the director of the department of revenue may act**
43 **44 jointly with other states that are members of the streamlined sales and**
44 **45 use tax agreement to establish standards for certification of a certified**
45 **46 service provider and certified automated system and establish**
46 **performance standards for multistate sellers.**

47 **4. The director of the department of revenue may take other**
48 **49 action reasonably required to implement the provisions set forth in the**
49 **50 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
6 order 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] 19 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 approved a local use tax
33 under section 144.757, shall have placed on the ballot on or after the general
34 election in November 2014, but no later than the general election in November
35 2018, whether to repeal application of the local sales tax to the titling of motor
36 vehicles, trailers, boats, and outboard motors that are subject to state sales tax
37 under section 144.020 and purchased from a source other than a licensed
38 Missouri dealer. The ballot question presented to the local voters shall contain
39 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 2018, 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. If a majority of the votes
66 cast by the registered voters voting thereon are in favor of the proposal to repeal
67 application of the local sales tax to such titling, then the local sales tax shall no
68 longer be applied to the titling of motor vehicles, trailers, boats, and outboard
69 motors purchased from a source other than a licensed Missouri dealer. If a
70 majority of the votes cast by the registered voters voting thereon are opposed to
71 the proposal to repeal application of the local sales tax to such titling, such
72 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 2018, 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, 2019.

102 (8) Notwithstanding any provision of law to the contrary, if any local sales
103 tax on the titling of motor vehicles, trailers, boats, and outboard motors
104 purchased from a source other than a licensed Missouri dealer is repealed after
105 the general election in November 2014, or if the taxing jurisdiction failed to
106 present the ballot to the voters at a general election on or before November 2018,
107 then the governing body of such taxing jurisdiction may, at any election
108 subsequent to the repeal or after the general election in November 2018, if the
109 jurisdiction failed to present the ballot to the voters, place before the voters the
110 issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and
111 outboard motors that are subject to state sales tax under section 144.020 that
112 were purchased from a source other than a licensed Missouri dealer. The ballot
113 question presented to the local voters shall contain substantially the following
114 language:

115 Shall the _____ (local jurisdiction's name) apply and collect the local sales
116 tax on the titling of motor vehicles, trailers, boats, and outboard motors that are

117 subject to state sales tax under section 144.020 and purchased from a source
118 other than a licensed Missouri dealer?

119 Approval of this measure will result in an increase of local revenue to provide for
120 vital services for _____ (local jurisdiction's name), and it will remove a
121 competitive advantage that non-Missouri dealers of motor vehicles, outboard
122 motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard
123 motors, boats, and trailers.

124 YES NO

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

127 (9) If any local sales tax on the titling of motor vehicles, trailers, boats,
128 and outboard motors purchased from a source other than a licensed Missouri
129 dealer is adopted, such tax shall take effect and be imposed on the first day of the
130 second calendar quarter after the election.

131 [6.] 5. On and after the effective date of any local sales tax imposed
132 under the provisions of the local sales tax law, the director of revenue shall
133 perform all functions incident to the administration, collection, enforcement, and
134 operation of the tax, and the director of revenue shall collect in addition to the
135 sales tax for the state of Missouri all additional local sales taxes authorized under
136 the authority of the local sales tax law. All local sales taxes imposed under the
137 local sales tax law together with all taxes imposed under the sales tax law of the
138 state of Missouri shall be collected together and reported upon such forms and
139 under such administrative rules and regulations as may be prescribed by the
140 director of revenue.

141 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525
142 governing the state sales tax and section 32.057, the uniform confidentiality
143 provision, shall apply to the collection of any local sales tax imposed under the
144 local sales tax law except as modified by the local sales tax law.

145 [8.] 7. All exemptions granted to agencies of government, organizations,
146 persons and to the sale of certain articles and items of tangible personal property
147 and taxable services under the provisions of sections 144.010 to 144.525, as these
148 sections now read and as they may hereafter be amended, it being the intent of
149 this general assembly to ensure that the same sales tax exemptions granted from
150 the state sales tax law also be granted under the local sales tax law, are hereby
151 made applicable to the imposition and collection of all local sales taxes imposed
152 under the local sales tax law.

153 [9.] 8. The same sales tax permit, exemption certificate and retail
154 certificate required by sections 144.010 to 144.525 for the administration and
155 collection of the state sales tax shall satisfy the requirements of the local sales
156 tax law, and no additional permit or exemption certificate or retail certificate
157 shall be required; except that the director of revenue may prescribe a form of
158 exemption certificate for an exemption from any local sales tax imposed by the
159 local sales tax law.

160 [10.] 9. All discounts allowed the retailer under the provisions of the
161 state sales tax law for the collection of and for payment of taxes under the
162 provisions of the state sales tax law are hereby allowed and made applicable to
163 any local sales tax collected under the provisions of the local sales tax law.

164 [11.] 10. The penalties provided in section 32.057 and sections 144.010
165 to 144.525 for a violation of the provisions of those sections are hereby made
166 applicable to violations of the provisions of the local sales tax law.

167 [12. (1)] 11. For the purposes of any local sales tax imposed by an
168 ordinance or order under the local sales tax law, all sales[, except the sale of
169 motor vehicles, trailers, boats, and outboard motors required to be titled under
170 the laws of the state of Missouri, shall be deemed to be consummated at the place
171 of business of the retailer unless the tangible personal property sold is delivered
172 by the retailer or his agent to an out-of-state destination. In the event a retailer
173 has more than one place of business in this state which participates in the sale,
174 the sale shall be deemed to be consummated at the place of business of the
175 retailer where the initial order for the tangible personal property is taken, even
176 though the order must be forwarded elsewhere for acceptance, approval of credit,
177 shipment or billing. A sale by a retailer's agent or employee shall be deemed to
178 be consummated at the place of business from which he works.

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

185 (3) For the purposes of any local tax imposed by an ordinance or under the
186 local sales tax law on charges for mobile telecommunications services, all taxes
187 of mobile telecommunications service shall be imposed as provided in the Mobile
188 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as

189 amended] shall be sourced as provided by sections 144.111 to 144.114.

190 [13.] 12. Local sales taxes shall not be imposed on the seller of motor
191 vehicles, trailers, boats, and outboard motors required to be titled under the laws
192 of the state of Missouri, but shall be collected from the purchaser by the director
193 of revenue at the time application is made for a certificate of title, if the address
194 of the applicant is within a taxing entity imposing a local sales tax under the
195 local sales tax law.

196 [14.] 13. The director of revenue and any of his deputies, assistants and
197 employees who have any duties or responsibilities in connection with the
198 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
199 or recording of funds which come into the hands of the director of revenue under
200 the provisions of the local sales tax law shall enter a surety bond or bonds
201 payable to any and all taxing entities in whose behalf such funds have been
202 collected under the local sales tax law in the amount of one hundred thousand
203 dollars for each such tax; but the director of revenue may enter into a blanket
204 bond covering himself and all such deputies, assistants and employees. The cost
205 of any premium for such bonds shall be paid by the director of revenue from the
206 share of the collections under the sales tax law retained by the director of
207 revenue for the benefit of the state.

208 [15.] 14. The director of revenue shall annually report on his
209 management of each trust fund which is created under the local sales tax law and
210 administration of each local sales tax imposed under the local sales tax law. He
211 shall provide each taxing entity imposing one or more local sales taxes authorized
212 by the local sales tax law with a detailed accounting of the source of all funds
213 received by him for the taxing entity. Notwithstanding any other provisions of
214 law, the state auditor shall annually audit each trust fund. A copy of the
215 director's report and annual audit shall be forwarded to each taxing entity
216 imposing one or more local sales taxes.

217 [16.] 15. Within the boundaries of any taxing entity where one or more
218 local sales taxes have been imposed, if any person is delinquent in the payment
219 of the amount required to be paid by him under the local sales tax law or in the
220 event a determination has been made against him for taxes and penalty under
221 the local sales tax law, the limitation for bringing suit for the collection of the
222 delinquent tax and penalty shall be the same as that provided in sections 144.010
223 to 144.525. Where the director of revenue has determined that suit must be filed
224 against any person for the collection of delinquent taxes due the state under the

225 state sales tax law, and where such person is also delinquent in payment of taxes
226 under the local sales tax law, the director of revenue shall notify the taxing entity
227 in the event any person fails or refuses to pay the amount of any local sales tax
228 due so that appropriate action may be taken by the taxing entity.

229 [17.] **16.** Where property is seized by the director of revenue under the
230 provisions of any law authorizing seizure of the property of a taxpayer who is
231 delinquent in payment of the tax imposed by the state sales tax law, and where
232 such taxpayer is also delinquent in payment of any tax imposed by the local sales
233 tax law, the director of revenue shall permit the taxing entity to join in any sale
234 of property to pay the delinquent taxes and penalties due the state and to the
235 taxing entity under the local sales tax law. The proceeds from such sale shall
236 first be applied to all sums due the state, and the remainder, if any, shall be
237 applied to all sums due such taxing entity.

238 [18.] **17.** If a local sales tax has been in effect for at least one year under
239 the provisions of the local sales tax law and voters approve reimposition of the
240 same local sales tax at the same rate at an election as provided for in the local
241 sales tax law prior to the date such tax is due to expire, the tax [so] reimposed
242 shall become effective [the first day of the first calendar quarter after the director
243 receives a certified copy of the ordinance, order or resolution accompanied by a
244 map clearly showing the boundaries thereof and the results of such election,
245 provided that such ordinance, order or resolution and all necessary accompanying
246 materials are received by the director at least thirty days prior to the expiration
247 of such tax] **as provided by subsection 19 of section 32.087.** Any
248 administrative cost or expense incurred by the state as a result of the provisions
249 of this subsection shall be paid by the city or county reimposing such tax.

250 **18. If the boundaries of a city in which a sales tax has been**
251 **imposed shall thereafter be changed or altered, the city clerk shall**
252 **forward to the director of revenue by United States registered mail or**
253 **certified mail a certified copy of the ordinance adding or detaching**
254 **territory from the city within ten days of adoption of the**
255 **ordinance. The ordinance shall reflect the effective date of the**
256 **ordinance and shall be accompanied by a map of the city clearly**
257 **showing the territory added or detached from the city**
258 **boundaries. Upon receipt of the ordinance and map, the tax imposed**
259 **under the local sales tax law shall be effective in the added territory or**
260 **abolished in the detached territory on the first day of a calendar**

261 **quarter after one hundred twenty days' notice to sellers.**

262 **19. (1) The effective date for the imposition, repeal, or rate**
263 **change for each local sales and use tax is the first day of the calendar**
264 **quarter after a minimum of one hundred twenty days' notice to**
265 **sellers. For purchases from printed catalogs wherein the purchaser**
266 **computed the sales or use tax based upon the local sales and use tax**
267 **rates published in the catalog, the effective date is the first day of the**
268 **calendar quarter after a minimum of one hundred twenty days' notice**
269 **to the sellers.**

270 **(2) The effective date for any local jurisdiction boundary change**
271 **for sales and use tax purposes is the first day of the calendar quarter**
272 **after a minimum of one hundred twenty days' notice to sellers.**

273 **20. Any change to any local sales tax boundary or rate shall be**
274 **effective on the first day of a calendar quarter after one hundred**
275 **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 treasurer of the county and all expenditures of funds arising from the
15 county sales tax trust fund shall be by an appropriation act to be enacted by the
16 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 January 1, 1994, until December 31, 2016, the director of revenue
62 shall distribute to the cities, towns and villages in group A a portion of the taxes
63 based on the location in which the sales were deemed consummated under section
64 66.630 and subsection 12 of section 32.087 in accordance with the formula
65 described in this subsection and in subsection 6. After deducting the distribution
66 to the cities, towns and villages in group A, the director of revenue shall
67 distribute funds in the county sales tax trust fund to the cities, towns and
68 villages and the county in group B as follows: to the county which levied the tax,
69 ten percent multiplied by the percentage of the population of unincorporated
70 county which has been annexed or incorporated since April 1, 1993, multiplied by
71 the total of all sales tax revenues countywide, and a percentage of the remaining
72 distributable revenue equal to the percentage ratio that the population of
73 unincorporated areas of the county bears to the total population of group B; and
74 to each city, town or village in group B located wholly within the taxing county,
75 a percentage of the remaining distributable revenue equal to the percentage ratio
76 that the population of such city, town or village bears to the total population of
77 group B; and to each city, town or village located partly within the taxing county,
78 a percentage of the remaining distributable revenue equal to the percentage ratio
79 that the population of that part of the city, town or village located within the
80 taxing county bears to the total population of group B.

81 5. (1) From and after January 1, 2017, in each year in which the total
82 revenues from the county sales tax collected under sections 66.600 to 66.630 in
83 the previous calendar year are less than or equal to the amount of such revenues
84 which were collected in the calendar year 2014, the director of revenue shall
85 distribute to the cities, towns, and villages in group A and the cities, towns, and
86 villages, and the county in group B, the amounts required to be distributed under
87 the formula described in subsection 4 and in subsection 6 of this section. From
88 and after January 1, 2017, in each year in which the total revenues from the
89 county sales tax collected under sections 66.600 to 66.630 in the previous
90 calendar year is greater than the amount of such revenues which were collected
91 in the calendar year 2014, the director of revenue shall distribute to the cities,
92 towns, and villages in group A a portion of the taxes based on the location in
93 which the sales were deemed consummated under section 66.630 and subsection

94 12 of section 32.087, in accordance with the formula described in this subsection
95 and in subsection 6. After deducting the distribution to the cities, towns, and
96 villages in group A, the director of revenue shall, subject to the limitation
97 described in subdivision (2) of this subsection, distribute funds in the county sales
98 tax trust fund to the cities, towns, and villages, and the county in group B as
99 follows: to the county which levied the tax, ten percent multiplied by the
100 percentage of the population of unincorporated county which has been annexed
101 or incorporated since April 1, 1993, multiplied by the total of all sales tax
102 revenues countywide, and a percentage of the remaining distributable revenue
103 equal to the percentage ratio that the population of unincorporated areas of the
104 county bears to the total population of group B as adjusted such that no city,
105 town, or village in group B shall receive a distribution that is less than fifty
106 percent of the amount of taxes generated within such city, town, or village based
107 on the location in which the sales were deemed consummated under section
108 66.630 and subsection 12 of section 32.087; and to each city, town, or village in
109 group B located wholly within the taxing county, a percentage of the remaining
110 distributable revenue equal to the percentage ratio that the population of such
111 city, town, or village bears to the total population of group B, as adjusted such
112 that no city, town, or village in group B shall receive a distribution that is less
113 than fifty percent of the amount of taxes generated within such city, town, or
114 village based on the location in which the sales were deemed consummated under
115 section 66.630 and subsection 12 of section 32.087; and to each city, town, or
116 village located partly within the taxing county, a percentage of the remaining
117 distributable revenue equal to the percentage ratio that the population of that
118 part of the city, town, or village located within the taxing county bears to the
119 total population of group B, as adjusted such that no city, town, or village in
120 group B shall receive a distribution that is less than fifty percent of the amount
121 of taxes generated within such city, town, or village based on the location in
122 which the sales were deemed consummated under section 66.630 and subsection
123 12 of section 32.087.

124 (2) For purposes of making any adjustment required by this subsection,
125 the director of revenue shall, prior to any distribution to the county or to each
126 city, town, or village in group B located wholly or partly within the taxing county,
127 identify each city, town, or village in group B located wholly or partly within the
128 taxing county that would receive a distribution that is less than fifty percent of
129 the amount of taxes generated within such city, town, or village based on the

130 location in which the sales were deemed consummated under section 66.630 and
131 subsection 12 of section 32.087 if no adjustments were made and calculate the
132 difference between the amount that the distribution to each such city, town, or
133 village would have been without any adjustment and the amount that equals fifty
134 percent of the amount of taxes generated within such city, town, or village based
135 on the location in which the sales were deemed consummated under section
136 66.630 and subsection 12 of section 32.087. Thereafter, the director of revenue
137 shall determine the amount of any adjustment under this subsection as follows:

138 (a) If the aggregate amount of the difference calculated in accordance with
139 this subsection is less than or equal to the aggregate increase in the remaining
140 distributable revenue for the applicable period in the current calendar year over
141 the remaining distributable revenue for the corresponding period in the calendar
142 year 2014, the director of revenue shall deduct the amount of such difference from
143 the remaining distributable revenue and distribute an allocable portion of the
144 amount of such difference to each city, town, or village that would otherwise have
145 received a distribution that is less than fifty percent of the amount of taxes
146 generated within such city, town, or village based on the location in which the
147 sales were deemed consummated under section 66.630 and subsection 12 of
148 section 32.087 if no adjustment were made, such that each such city, town, or
149 village receives a distribution that is equal to fifty percent of the amount of taxes
150 generated within such city, town, or village based on the location in which the
151 sales were deemed consummated under section 66.630 and subsection 12 of
152 section 32.087;

153 (b) If, however, the aggregate amount of the difference calculated in
154 accordance with this subsection is greater than the aggregate increase in the
155 remaining distributable revenue for the applicable period in the current calendar
156 year over the remaining distributable revenue for the corresponding period in the
157 calendar year 2014, the director of revenue shall deduct from the remaining
158 distributable revenue an amount equal to the difference between the remaining
159 distributable revenue for the applicable period in the current calendar year and
160 the remaining distributable revenue for the corresponding period in the calendar
161 year 2014 and distribute an allocable portion of the amount of such difference to
162 each city, town, or village that would otherwise have received a distribution that
163 is less than fifty percent of the amount of taxes generated within such city, town,
164 or village based on the location in which the sales were deemed consummated
165 under section 66.630 and subsection 12 of section 32.087 if no adjustment were

166 made, such that each such city, town, or village receives a distribution that
167 includes an adjustment that is proportionate to the amount of the adjustment
168 that would otherwise have been made if such adjustment were calculated in
169 accordance with paragraph (a) of this subdivision;

170 (c) After determining the amount of the adjustment and making the
171 allocation in accordance with paragraph (a) or (b) of this subdivision, as
172 applicable, the director of revenue shall thereafter distribute the remaining
173 distributable revenue, as adjusted, to the county and to each city, town, or village
174 in group B located wholly or partly within the taxing county in the manner
175 provided in this subsection.

176 (3) For purposes of this subsection, if a city, town, or village is partly in
177 group A and partly in group B, the director of revenue shall calculate fifty percent
178 of the amount of taxes generated within such city, town, or village based on the
179 location in which the sales were deemed consummated under section 66.630 and
180 subsection 12 of section 32.087 by multiplying fifty percent by the amount of all
181 county sales taxes collected by the director of revenue under sections 66.600 to
182 66.630, less one percent for cost of collection, that are generated within such city,
183 town, or village based on the location in which the sales were deemed
184 consummated under section 66.630 and subsection 12 of section 32.087,
185 regardless of whether such taxes are deemed consummated in group A or group
186 B.

187 6. (1) For purposes of administering the distribution formula of
188 subsections 4 and 5 of this section, the revenues arising each year from sales
189 occurring within each group A city, town or village shall be distributed as follows:
190 until such revenues reach the adjusted county average, as hereinafter defined,
191 there shall be distributed to the city, town or village all of such revenues reduced
192 by the percentage which is equal to ten percent multiplied by the percentage of
193 the population of unincorporated county which has been annexed or incorporated
194 after April 1, 1993; and once revenues exceed the adjusted county average, total
195 revenues shall be shared in accordance with the redistribution formula as defined
196 in this subsection.

197 (2) For purposes of this subsection, the "adjusted county average" is the
198 per capita countywide average of all sales tax distributions during the prior
199 calendar year reduced by the percentage which is equal to ten percent multiplied
200 by the percentage of the population of unincorporated county which has been
201 annexed or incorporated after April 1, 1993; the redistribution formula is as

202 follows: during 1994, each group A city, town and village shall receive that
203 portion of the revenues arising from sales occurring within the municipality that
204 remains after deducting therefrom an amount equal to the cumulative sales tax
205 revenues arising from sales within the municipality multiplied by the percentage
206 which is the sum of ten percent multiplied by the percentage of the population of
207 unincorporated county which has been annexed or incorporated after April 1,
208 1993, and the percentage, if greater than zero, equal to the product of 8.5
209 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the
210 total of cumulative per capita sales taxes arising from sales within the
211 municipality less the adjusted county average. During 1995, each group A city,
212 town and village shall receive that portion of the revenues arising from sales
213 occurring within the municipality that remains after deducting therefrom an
214 amount equal to the cumulative sales tax revenues arising from sales within the
215 municipality multiplied by the percentage which is the sum of ten percent
216 multiplied by the percentage of the population of unincorporated county which
217 has been annexed or incorporated after April 1, 1993, and the percentage, if
218 greater than zero, equal to the product of seventeen multiplied by the logarithm
219 (to base 10) of the product of 0.035 multiplied by the total of cumulative per
220 capita sales taxes arising from sales within the municipality less the adjusted
221 county average. From January 1, 1996, until January 1, 2000, each group A city,
222 town and village shall receive that portion of the revenues arising from sales
223 occurring within the municipality that remains after deducting therefrom an
224 amount equal to the cumulative sales tax revenues arising from sales within the
225 municipality multiplied by the percentage which is the sum of ten percent
226 multiplied by the percentage of the population of unincorporated county which
227 has been annexed or incorporated after April 1, 1993, and the percentage, if
228 greater than zero, equal to the product of 25.5 multiplied by the logarithm (to
229 base 10) of the product of 0.035 multiplied by the total of cumulative per capita
230 sales taxes arising from sales within the municipality less the adjusted county
231 average. From and after January 1, 2000, the distribution formula covering the
232 period from January 1, 1996, until January 1, 2000, shall continue to apply,
233 except that the percentage computed for sales arising within the municipalities
234 shall be not less than 7.5 percent for municipalities within which sales tax
235 revenues exceed the adjusted county average, nor less than 12.5 percent for
236 municipalities within which sales tax revenues exceed the adjusted county
237 average by at least twenty-five percent.

238 (3) For purposes of applying the redistribution formula to a municipality
239 which is partly within the county levying the tax, the distribution shall be
240 calculated alternately for the municipality as a whole, except that the factor for
241 annexed portion of the county shall not be applied to the portion of the
242 municipality which is not within the county levying the tax, and for the portion
243 of the municipality within the county levying the tax. Whichever calculation
244 results in the larger distribution to the municipality shall be used.

245 (4) Notwithstanding any other provision of this section, the fifty percent
246 of additional sales taxes as described in section 99.845 arising from economic
247 activities within the area of a redevelopment project established after July 12,
248 1990, pursuant to sections 99.800 to 99.865, while tax increment financing
249 remains in effect shall be deducted from all calculations of countywide sales
250 taxes, shall be distributed directly to the municipality involved, and shall be
251 disregarded in calculating the amounts distributed or distributable to the
252 municipality. Further, any agreement, contract or covenant entered into prior to
253 July 12, 1990, between a municipality and any other political subdivision which
254 provides for an appropriation of incremental sales tax revenues to the special
255 allocation fund of a tax increment financing project while tax increment financing
256 remains in effect shall continue to be in full force and effect and the sales taxes
257 so appropriated shall be deducted from all calculations of countywide sales taxes,
258 shall be distributed directly to the municipality involved, and shall be
259 disregarded in calculating the amounts distributed or distributable to the
260 municipality. In addition, and notwithstanding any other provision of this
261 chapter to the contrary, economic development funds shall be distributed in full
262 to the municipality in which the sales producing them were deemed
263 consummated. Additionally, economic development funds shall be deducted from
264 all calculations of countywide sales taxes and shall be disregarded in calculating
265 the amounts distributed or distributable to the municipality. As used in this
266 subdivision, the term "economic development funds" means the amount of sales
267 tax revenue generated in any fiscal year by projects authorized pursuant to
268 chapter 99 or chapter 100 in connection with which such sales tax revenue was
269 pledged as security for, or was guaranteed by a developer to be sufficient to pay,
270 outstanding obligations under any agreement authorized by chapter 100, entered
271 into or adopted prior to September 1, 1993, between a municipality and another
272 public body. The cumulative amount of economic development funds allowed
273 under this provision shall not exceed the total amount necessary to amortize the

274 obligations involved.

275 7. If the qualified voters of any city, town or village vote to change or alter
276 its boundaries by annexing any unincorporated territory included in group B or
277 if the qualified voters of one or more city, town or village in group A and the
278 qualified voters of one or more city, town or village in group B vote to consolidate,
279 the area annexed or the area consolidated which had been a part of group B shall
280 remain a part of group B after annexation or consolidation. After the effective
281 date of the annexation or consolidation, the annexing or consolidated city, town
282 or village shall receive a percentage of the group B distributable revenue equal
283 to the percentage ratio that the population of the annexed or consolidated area
284 bears to the total population of group B and such annexed area shall not be
285 classified as unincorporated area for determination of the percentage allocable to
286 the county. If the qualified voters of any two or more cities, towns or villages in
287 group A each vote to consolidate such cities, towns or villages, then such
288 consolidated cities, towns or villages shall remain a part of group A. For the
289 purpose of sections 66.600 to 66.630, population shall be as determined by the
290 last federal decennial census or the latest census that determines the total
291 population of the county and all political subdivisions therein. For the purpose
292 of calculating the adjustment based on the percentage of unincorporated county
293 population which is annexed after April 1, 1993, the accumulated percentage
294 immediately before each census shall be used as the new percentage base after
295 such census. After any annexation, incorporation or other municipal boundary
296 change affecting the unincorporated area of the county, the chief elected official
297 of the county shall certify the new population of the unincorporated area of the
298 county and the percentage of the population which has been annexed or
299 incorporated since April 1, 1993, to the director of revenue. After the adoption
300 of the county sales tax ordinance, any city, town or village in group A may by
301 adoption of an ordinance by its governing body cease to be a part of group A and
302 become a part of group B. Within ten days after the adoption of the ordinance
303 transferring the city, town or village from one group to the other, the clerk of the
304 transferring city, town or village shall forward to the director of revenue, by
305 registered mail, a certified copy of the ordinance. Distribution to such city as a
306 part of its former group shall cease and as a part of its new group shall begin on
307 the first day of January of the year following notification to the director of
308 revenue, provided such notification is received by the director of revenue on or
309 before the first day of July of the year in which the transferring ordinance is

310 adopted. If such notification is received by the director of revenue after the first
311 day of July of the year in which the transferring ordinance is adopted, then
312 distribution to such city as a part of its former group shall cease and as a part of
313 its new group shall begin the first day of July of the year following such
314 notification to the director of revenue. Once a group A city, town or village
315 becomes a part of group B, such city may not transfer back to group A.

316 8. If any city, town or village shall hereafter change or alter its
317 boundaries, the city clerk of the municipality shall forward to the director of
318 revenue, by registered mail, a certified copy of the ordinance adding or detaching
319 territory from the municipality. The ordinance shall reflect the effective date
320 thereof, and shall be accompanied by a map of the municipality clearly showing
321 the territory added thereto or detached therefrom. Upon receipt of the ordinance
322 and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and
323 allocated in accordance with the provisions of this section on the effective date of
324 the change of the municipal boundary so that the proper percentage of group B
325 distributable revenue is allocated to the municipality in proportion to any
326 annexed territory. If any area of the unincorporated county elects to incorporate
327 subsequent to the effective date of the county sales tax as set forth in sections
328 66.600 to 66.630, the newly incorporated municipality shall remain a part of
329 group B. The city clerk of such newly incorporated municipality shall forward to
330 the director of revenue, by registered mail, a certified copy of the incorporation
331 election returns and a map of the municipality clearly showing the boundaries
332 thereof. The certified copy of the incorporation election returns shall reflect the
333 effective date of the incorporation. Upon receipt of the incorporation election
334 returns and map, the tax imposed by sections 66.600 to 66.630 shall be
335 distributed and allocated in accordance with the provisions of this section on the
336 effective date of the incorporation.

337 9. The director of revenue may authorize the state treasurer to make
338 refunds from the amounts in the trust fund and credited to any county for
339 erroneous payments and overpayments made, and may redeem dishonored checks
340 and drafts deposited to the credit of such counties. If any county abolishes the
341 tax, the county shall notify the director of revenue of the action at least ninety
342 days prior to the effective date of the repeal and the director of revenue may
343 order retention in the trust fund, for a period of one year, of two percent of the
344 amount collected after receipt of such notice to cover possible refunds or
345 overpayment of the tax and to redeem dishonored checks and drafts deposited to

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

351 10. Except as modified in sections 66.600 to 66.630, all provisions of
352 sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600
353 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] **tax shall be calculated as** authorized
62 by the provisions of section 144.285[, and notwithstanding the provisions of that
63 section, this new bracket system shall be used where this tax is imposed and
64 shall apply to all taxable 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 imposed by the provisions of sections 67.571 to 67.577:

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

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

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

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

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

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

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, 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] **as provided by subsection 19 of section**
 29 **37.087**. If the proposal receives less than the required majority of votes, then the
 30 governing authority shall have no power to impose the tax unless and until the
 31 governing authority has again submitted another proposal to authorize the
 32 governing authority to impose the sales tax authorized by this section and such
 33 proposal is approved by the required majority of the qualified voters voting
 34 thereon.

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

45 provisions of that section, this new bracket system shall be used where this tax
46 is imposed and shall apply to all taxable transactions]. Beginning with the
47 effective date of the tax, every retailer in the county shall add the sales tax to the
48 sale price, and this tax 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. For
50 purposes of this section, all retail sales shall be deemed to be consummated at the
51 place of business of the retailer.

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

71 5. The governing authority may authorize any museum board already
72 existing in the county, or may establish a museum board, to expend revenue
73 collected pursuant to this section. In the event that no museum board already
74 exists, the board established pursuant to this section shall consist of six members
75 who are appointed by the governing authority from a list of candidates supplied
76 by the chair of each of the two major political parties of the county, with three
77 members from each of the two parties. Members shall serve for three-year terms,
78 but of the members first appointed, [one] **two** shall be appointed for a term of
79 one year, two shall be appointed for a term of two years, and two shall be
80 appointed for a term of three years. Each member shall be a resident of the

81 county. The members shall not receive compensation for service on the board, but
 82 shall be reimbursed from the revenues collected pursuant to this section for any
 83 reasonable and necessary expenses incurred in service on the board. The board
 84 shall determine in what manner the revenues will be expended, and
 85 disbursements of these moneys shall be made strictly in accordance with this
 86 section. Expenditures may be made for the employment of personnel selected by
 87 the board to assist in carrying out the duties of the board, and the board is
 88 expressly authorized to employ such personnel.

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

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

95 YES NO

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

98 [If a majority of the votes cast on the proposal are in favor of repeal, that repeal
 99 shall become effective on December thirty-first of the calendar year in which the
 100 repeal was 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 subsection 19 of section 32.087**. If
41 the constitutionally required percentage of the voters voting thereon are in favor
42 of the proposal submitted pursuant to subdivision (2) of this subsection, then the
43 ordinance or order and any amendments thereto shall be in effect [on the first
44 day of the second quarter immediately following the election approving the
45 proposal] **as provided by subsection 19 of section 32.087**. If a proposal
46 receives less than the required majority, then the governing body of the county
47 shall have no power to impose the sales tax herein authorized unless and until
48 the governing body of the county shall again have submitted another proposal to
49 authorize the governing body of the county to impose the sales tax authorized by
50 this section and such proposal is approved by the required majority of the
51 qualified voters voting thereon. However, in no event shall a proposal pursuant
52 to this section be submitted to the voters sooner than twelve months from the
53 date of the last 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**
91 **subsection 19 of section 32.087.** The county shall notify the director of
92 revenue of the action [at least ninety days] prior to the effective date of the
93 repeal and the director of revenue may order retention in the trust fund, for a
94 period of one year, of two percent of the amount collected after receipt of such
95 notice to cover possible refunds or overpayment of the tax and to redeem
96 dishonored checks and drafts deposited to the credit of such accounts. After one
97 year has elapsed after the effective date of abolition of the tax in such county, the
98 director of revenue shall remit the balance in the account to the county and close
99 the account of that county. The director of revenue shall notify each county of
100 each instance of any amount refunded or any check redeemed from receipts due
101 the county.

102 7. Except as modified in this section, all provisions of sections 32.085
103 [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 subsection 19 of section 32.087**. If a proposal
27 receives less than the required majority, then the governing body of the county
28 shall have no power to impose the sales tax herein authorized unless and until
29 the governing body of the county shall again have submitted another proposal to
30 authorize the governing body of the county to impose the sales tax authorized by
31 this section and such proposal is approved by the required majority of the
32 qualified voters voting thereon. However, in no event shall a proposal pursuant
33 to this section be submitted to the voters sooner than twelve months from the
34 date of the last 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**
76 **subsection 19 of section 32.087.** The county shall notify the director of
77 revenue of the action [at least ninety days] before the effective date of the repeal
78 and the director of revenue may order retention in the appropriate trust fund, for
79 a period of one year, of two percent of the amount collected after receipt of such
80 notice to cover possible refunds or overpayments of the tax and to redeem
81 dishonored checks and drafts deposited to the credit of such accounts. After one

82 year has elapsed after the effective date of abolition of the tax in such county, the
83 director of revenue shall remit the balance in the account to the county and close
84 the account of that county established pursuant to this section. The director of
85 revenue shall notify each county of each instance of any amount refunded or any
86 check redeemed from 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
24 repeal and **the repeal shall be effective as provided by subsection 19 of**
25 **section 32.087.** The director of revenue may order retention in the trust fund,
26 for a period of one year, of two percent of the amount collected after receipt of
27 such 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 of the tax authorized by

30 sections 67.700 to 67.727 in such county, the director of revenue shall authorize
31 the state treasurer to remit the balance in the account to the county and close the
32 account of that county. The director of revenue shall notify each county of each
33 instance of any amount refunded or any check redeemed from receipts due the
34 county.

35 3. Except as modified in sections 67.700 to 67.727, all provisions of
36 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections
37 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 subsection**
39 **19 of section 32.087.** The director of revenue may order retention in the
40 county-municipal storm water and public works sales tax trust fund, for a period
41 of one year, of two percent of the amount collected after receipt of such notice to
42 cover possible refunds or overpayment of the tax and to redeem dishonored checks
43 and drafts deposited to the credit of such accounts. After one year has elapsed
44 after the effective date of abolition of the tax in such county, the director of
45 revenue shall remit the balance in the account to the county or municipality and
46 close the account of that county or municipality. The director of revenue shall
47 notify each county or municipality of each instance of any amount refunded or
48 any check 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 subsection 19 of**
44 **section 32.087.** The director of revenue may order retention in the county storm
45 water and public works sales tax trust fund, for a period of one year, of two
46 percent of the amount collected after receipt of such notice to cover possible
47 refunds or overpayment of the tax and to redeem dishonored checks and drafts
48 deposited to the credit of such accounts. After one year has elapsed after the
49 effective date of abolition of the tax in such county, the director of revenue shall
50 authorize the state treasurer to remit the balance in the account to the county
51 and close the account of that county. The director of revenue shall notify each
52 county of each instance of any amount refunded or any check redeemed from
53 receipts due the 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
 24 repeal or expiration and **the repeal shall be effective as provided by**
 25 **subsection 19 of section 32.087.** The director of revenue may order retention
 26 in the trust fund, for a period of one year, of two percent of the amount collected
 27 after receipt of such notice to cover possible refunds or overpayment of such tax
 28 and to redeem dishonored checks and drafts deposited to the credit of such
 29 accounts. After one year has elapsed after the effective date of repeal or
 30 expiration of the tax authorized by sections 67.730 to 67.739 in such county, the
 31 director of revenue shall remit the balance in the account to the county and close
 32 the account of that county. The director of revenue shall notify each county of
 33 each instance of any amount refunded or any check redeemed from receipts due
 34 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 3. If approved by a majority of qualified voters **voting on the issue** in
 15 the county, the governing body of the county shall appoint a board of directors
 16 consisting of nine members. Of the initial members appointed to the board, three
 17 members shall be appointed for a term of three years, three members shall be
 18 appointed for a term of two years, and three members shall be appointed for a
 19 term of one year. After the initial appointments, board members shall be
 20 appointed to three-year terms.

21 4. The sales tax may be imposed at a rate of up to one percent on the

22 receipts from the retail sale of all tangible personal property or taxable service
23 within the county[, if such property and services are subject to taxation by the
24 state of Missouri under sections 144.010 to 144.525].

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

41 6. The director of revenue may authorize the state treasurer to make
42 refunds from the amounts in the trust fund and credited to any county for
43 erroneous payments and overpayments made, and may redeem dishonored checks
44 and drafts deposited to the credit of such counties. Each county shall notify the
45 director of revenue [at least ninety days] prior to the effective date of the
46 expiration of the sales tax authorized by this section and **the repeal shall be**
47 **effective as provided by subsection 19 of section 32.087.** The director of
48 revenue may order retention in the trust fund for a period of one year of two
49 percent of the amount collected after receipt of such notice to cover possible
50 refunds or overpayments of such tax and to redeem dishonored checks and drafts
51 deposited to the credit of such accounts. After one year has elapsed after the date
52 of expiration of the tax authorized by this section in a county, the director of
53 revenue shall remit the balance in the account to the county and close the account
54 of such county. The director of revenue shall notify each county of each instance
55 of any amount 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 subsection 19 of section 32.087.** The director of
54 revenue may order retention in the trust fund, for a period of one year, of two
55 percent of the amount collected after receipt of such notice to cover possible
56 refunds or overpayment of such tax and to redeem dishonored checks and drafts
57 deposited to the credit of such accounts. After one year has elapsed after the date
58 of expiration of the tax authorized by this section in such county, the director of
59 revenue shall remit the balance in the account to the county and close the account
60 of that county. The director of revenue shall notify each county of each instance
61 of any amount 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 **as**
 15 **provided by subsection 19 of section 32.087**. If a majority of the votes cast
 16 by the qualified voters voting are opposed to the proposal, then the board of
 17 directors shall have no power to impose the tax unless and until the board of
 18 directors of the district submits another proposal to authorize the tax and such
 19 proposal is approved by a majority of the qualified 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 **as**
 41 **provided by subsection 19 of section 32.087**. If a majority of the votes cast
 42 by the qualified voters voting are opposed to the proposal, then the board of
 43 directors shall have no power to impose the tax unless and until another proposal
 44 to authorize the tax is submitted to the voters of the district and such proposal
 45 is approved by a majority of the qualified voters voting thereon. The provisions
 46 of sections 32.085 [and] **to** 32.087 shall apply to any tax approved pursuant to
 47 this subsection.

48 5. As used in this section, "qualified voters" or "voters" means any
 49 individuals residing within the proposed district who are eligible to be registered
 50 voters and who have registered to vote under chapter 115 or, if no individuals
 51 eligible and registered to vote reside within the proposed district, all of the
 52 owners of real property located within the proposed district who have
 53 unanimously petitioned for or consented to the adoption of an ordinance by the
 54 governing body imposing a tax authorized in this section. If the owner of the
 55 property within the proposed district is a political subdivision or corporation of
 56 the state, the governing body of such political subdivision or corporation shall be
 57 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] **as provided by subsection 19 of section**
35 **32.087**. If a majority of the votes cast on the question by the qualified voters
36 voting thereon are opposed to the question, then the tax shall not become effective
37 unless and until the question is resubmitted under this section to the qualified
38 voters and such question is approved by a majority of the qualified voters voting
39 on the question.

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

59 4. [In order to permit sellers required to collect and report the sales tax
60 to collect the amount required to be reported and remitted, but not to change the
61 requirements of reporting or remitting the tax, or to serve as a levy of the tax,
62 and in order to avoid fractions of pennies, the governing body of the county may

63 authorize the use of a bracket system similar to that authorized in section
 64 144.285 and notwithstanding the provisions of that section, this new bracket
 65 system shall be used where this tax is imposed and shall apply to all taxable
 66 transactions.] Beginning with the effective date of the tax, every retailer in the
 67 county shall add the sales tax to the sale price, and this tax shall be a debt of the
 68 purchaser to the retailer until paid, and shall be recoverable at law in the same
 69 manner as the purchase price. For purposes of this section, all retail sales shall
 70 be deemed to be consummated at the place of business of the retailer.

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

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

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

97 YES NO

98 If you are in favor of the question, place an "X" in the box opposite "YES". If you

99 are opposed to the question, place an "X" in the box opposite "NO".
100 If a majority of the votes cast on the question by the qualified voters voting
101 thereon are in favor of repeal, that repeal shall become effective [on December
102 thirty-first of the calendar year in which such repeal was approved] **as provided**
103 **by subsection 19 of section 32.087**. If a majority of the votes cast on the
104 question by the qualified voters voting thereon are opposed to the repeal, then the
105 sales tax authorized in this section shall remain effective until the question is
106 resubmitted under this section to the qualified voters and the repeal is approved
107 by a majority of the qualified voters voting on the question.

108 7. Whenever the governing body of any county that has adopted the sales
109 tax authorized in this section receives a petition, signed by ten percent of the
110 registered voters of the county voting in the last gubernatorial election, calling
111 for an election to repeal the sales tax imposed under this section, the governing
112 body shall submit to the voters of the county a proposal to repeal the tax. If a
113 majority of the votes cast on the question by the qualified voters voting thereon
114 are in favor of the repeal, the repeal shall become effective [on December
115 thirty-first of the calendar year in which such repeal was approved] **as provided**
116 **by subsection 19 of section 32.087**. If a majority of the votes cast on the
117 question by the qualified voters voting thereon are opposed to the repeal, then the
118 sales tax authorized in this section shall remain effective until the question is
119 resubmitted under this section to the qualified voters and the repeal is approved
120 by a majority of the qualified voters voting on the question.

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

133 9. Each county imposing the tax authorized in this section shall establish
134 a senior services tax commission to administer the portion of the sales tax

135 revenue dedicated to providing senior services. Such commission shall consist of
136 seven members appointed by the county commission. The county commission
137 shall determine the qualifications, terms of office, compensation, powers, duties,
138 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
138 days] prior to the effective date of the repeal and **the repeal shall be effective**
139 **as provided by subsection 19 of section 32.087.** The director of revenue may
140 order retention in the trust fund, for a period of one year, of two percent of the

141 amount collected after receipt of such notice to cover possible refunds or
142 overpayment of the tax and to redeem dishonored checks and drafts deposited to
143 the credit of such accounts. After one year has elapsed after the effective date of
144 abolition of the tax in such county or municipality, the director of revenue shall
145 remit the balance in the account to the county or municipality and close the
146 account of that county or municipality. The director of revenue shall notify each
147 county or municipality of each instance of any amount refunded or any check
148 redeemed from receipts due 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 subsection 19 of section 32.087**. If a
 35 majority of the votes cast on the question by the qualified voters voting thereon
 36 are opposed to the question, then the tax shall not become effective unless and
 37 until the question is resubmitted under this section to the qualified voters and
 38 such question is approved by a majority of the qualified voters voting on the
 39 question, provided that no proposal shall be resubmitted to the voters sooner than
 40 twelve months 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 as**
72 **provided by subsection 19 of section 32.087. Each city or county shall**
73 **notify the director of revenue prior to the effective date of the**
74 **expiration of the sales tax authorized by this section and the repeal**
75 **shall be effective as provided by subsection 19 of section 32.087. The**
76 **director of revenue may order retention in the trust fund, for a period**
77 **of one year, of two percent of the amount collected after receipt of such**
78 **notice to cover possible refunds or overpayment of such tax and to**
79 **redeem dishonored checks and drafts deposited to the credit of such**
80 **accounts. After one year has elapsed after the date of expiration of the**
81 **tax authorized by this section in such city or county, the director of**
82 **revenue shall remit the balance in the account to the city or county and**
83 **close the account of that city or county. The director of revenue shall**
84 **notify each city or county of each instance of any amount refunded or**
85 **any check redeemed from receipts due the city or county.**

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

89 (1) Two members shall be appointed by the school boards whose districts

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

93 (2) One member shall be appointed, in any manner agreed upon by the
94 affected districts, to represent all other districts levying ad valorem taxes within
95 the area selected for an economic development project or area funded by the sales
96 tax authorized in this section, excluding representatives of the governing body of
97 the city or county;

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

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

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

126 [6.] 7. The board, subject to approval of the governing body of the city or
 127 county, shall develop economic development plans, economic development
 128 projects, or designations of an economic development area, and shall hold public
 129 hearings and provide notice of any such hearings. The board shall vote on all
 130 proposed economic development plans, economic development projects, or
 131 designations of an economic development area, and amendments thereto, within
 132 thirty days following completion of the hearing on any such plan, project, or
 133 designation, and shall make recommendations to the governing body within
 134 ninety days of the hearing concerning the adoption of or amendment to economic
 135 development plans, economic development projects, or designations of an economic
 136 development area.

137 [7.] 8. The board shall report at least annually to the governing body of
 138 the city or county on the use of the funds provided under this section and on the
 139 progress of any plan, project, or designation adopted under this section.

140 [8.] 9. The governing body of any city or county that has adopted the
 141 sales tax authorized in this section may submit the question of repeal of the tax
 142 to the voters on any date available for elections for the city or county. The ballot
 143 of submission shall be in substantially the following form:

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

147 YES NO

148 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
 149 shall become effective [on December thirty-first of the calendar year in which
 150 such repeal was approved] **as provided by subsection 19 of section 32.087.**

151 If a majority of the votes cast on the question by the qualified voters voting
 152 thereon are opposed to the repeal, then the sales tax authorized in this section
 153 shall remain effective until the question is resubmitted under this section to the
 154 qualified voters of the city or county, and the repeal is approved by a majority of
 155 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 subsection 19 of section 32.087.** If a majority of the votes
165 cast on the question by the qualified voters voting thereon are opposed to the
166 repeal, then the tax shall remain effective until the question is resubmitted under
167 this section to the qualified voters and the repeal is approved by a majority of the
168 qualified voters voting on the question. **If the city or county abolishes the**
169 **tax, the city or county shall notify the director of revenue of the action**
170 **at least one hundred twenty days prior to the effective date of the**
171 **repeal.**

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

181 **12. Except as provided in this section, all provisions of sections**
182 **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] **as provided by subsection 19 of section 32.087**. If a
27 majority of the votes cast on the question by the qualified voters voting thereon
28 are opposed to the question, then the tax shall not become effective unless and
29 until the question is resubmitted under this section to the qualified voters and
30 such question is approved by a majority of the qualified voters voting on the
31 question, provided that no proposal shall be resubmitted to the voters sooner than
32 twelve months from the date of the 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 **subsection 19 of section 32.087.** The director of revenue may order retention
60 in the trust fund, for a period of one year, of two percent of the amount collected
61 after receipt of such notice to cover possible refunds or overpayment of the tax
62 and to redeem dishonored checks and drafts deposited to the credit of such
63 accounts. After one year has elapsed after the effective date of abolition of the
64 tax in such city or county, the director of revenue shall remit the balance in the
65 account to the city or county and close the account of that city or county. The
66 director of revenue shall notify each city or county of each instance of any amount
67 refunded or any 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 authorized
76 in this section shall be used solely for projects directly related to long-term
77 economic development preparation, including, but not limited to, the following:

- 78 (a) Acquisition of land;
- 79 (b) Installation of infrastructure for industrial or business parks;
- 80 (c) Improvement of water and wastewater treatment capacity;
- 81 (d) Extension of streets;
- 82 (e) Public facilities directly related to economic development and job
83 creation; and
- 84 (f) Providing matching dollars for state or federal grants relating to such
85 long-term projects.

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

- 88 (a) Marketing;
- 89 (b) Providing grants and loans to companies for job training, equipment
90 acquisition, site development, and infrastructures;
- 91 (c) Training programs to prepare workers for advanced technologies and
92 high skill jobs;
- 93 (d) Legal and accounting expenses directly associated with the economic
94 development planning and preparation process;
- 95 (e) Developing value-added and export opportunities for Missouri
96 agricultural products.

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

104 12. (1) Any city or county imposing the tax authorized in this section
105 shall establish an economic development tax board. The volunteer board shall
106 receive no compensation or operating budget.

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

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

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

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

123 (3) The economic development tax board established by a county shall

124 consist of seven members, to be appointed as follows:

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

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

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

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

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

160 determination on use and expenditure of any funds received from the tax imposed
161 under this section.

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

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

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

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

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

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

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

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

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

194 (a) Infrastructure improvements;

195 (b) Land and/or buildings;

- 196 (c) Machinery and equipment;
 197 (d) Job training investments;
 198 (e) Direct business incentives;
 199 (f) Marketing;
 200 (g) Administration and legal expenses; and
 201 (h) Other expenditures.

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

206 Shall (insert the name of the city or county) repeal the sales tax
 207 imposed at a rate of (insert rate of percent) percent for economic
 208 development purposes?

209 YES NO

210 If a majority of the votes cast on the proposal are in favor of the repeal, that
 211 repeal shall become effective [on December thirty-first of the calendar year in
 212 which such repeal was approved] **as provided by subsection 19 of section**
 213 **32.087**. If a majority of the votes cast on the question by the qualified voters
 214 voting thereon are opposed to the repeal, then the sales tax authorized in this
 215 section shall remain effective until the question is resubmitted under this section
 216 to the qualified voters of the city or county, and the repeal is approved by a
 217 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] **as provided**
 226 **by subsection 19 of section 32.087**. If a majority of the votes cast on the
 227 question by the qualified voters voting thereon are opposed to the repeal, then the
 228 tax shall remain effective until the question is resubmitted under this section to
 229 the qualified voters and the repeal is approved by a majority of the qualified
 230 voters voting on the question.

231 20. If any provision of this section or section 67.1303 or the application

232 thereof to any person or circumstance is held invalid, the invalidity shall not
233 affect other provisions or application of this section or section 67.1303 which can
234 be given effect without the invalid provision or application, and to this end the
235 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] **as provided by subsection 19 of section 32.087.**

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] **as provided**
 26 **by subsection 19 of section 32.087.** If a question receives less than the
 27 required majority, then the governing authority of the city or county, or city not
 28 within a county, shall have no power to impose the sales tax unless and until the

29 governing authority of the city or county, or city not within a county, has
30 submitted another question to authorize the imposition of the sales tax
31 authorized by this section and such question is approved by the required majority
32 of the qualified voters voting thereon. However, in no event shall a question
33 under this section be submitted to the voters sooner than twelve months from the
34 date of the last question under this section.

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

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

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

63 4. The director of revenue may authorize the state treasurer to make
64 refunds from the amounts in the fund and credited to any city or county, or city

65 not within a county, for erroneous payments and overpayments made, and may
66 redeem dishonored checks and drafts deposited to the credit of such
67 counties. Each city or county, or city not within a county, shall notify the director
68 of revenue at least ninety days prior to the effective date of the expiration of the
69 sales tax authorized by this section and **the repeal shall be effective as**
70 **provided by subsection 19 of section 32.087.** The director of revenue may
71 order retention in the fund, for a period of one year, of two percent of the amount
72 collected after receipt of such notice to cover possible refunds or overpayment of
73 such tax and to redeem dishonored checks and drafts deposited to the credit of
74 such accounts. After one year has elapsed after the date of expiration of the tax
75 authorized by this section in such city not within a county or such city or county,
76 the director of revenue shall remit the balance in the account to the city or
77 county, or city not within a county, and close the account of that city or county,
78 or city not within a county. The director of revenue shall notify each city or
79 county, or city not within a county, of each instance of any amount refunded or
80 any check redeemed from receipts due the city or county.

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

83 6. All revenues generated by the tax prescribed in this section shall be
84 deposited in the county treasury or, in a city not within a county, to the board
85 established by law to administer such fund to the credit of a special community
86 children's services fund to accomplish the purposes set out herein and in section
87 210.861, and shall be used for no other purpose. Such fund shall be administered
88 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 **subsection 19 of section 32.087**. If a majority of the votes cast in the portion
 111 of a county that is a part of the proposed district oppose the proposal, then that
 112 portion of such county shall not impose the sales tax authorized in this section
 113 until after the county governing body has submitted another such sales tax
 114 proposal and the proposal is approved by a majority of the qualified voters voting
 115 thereon. However, if a sales tax proposal is not approved, the governing body of
 116 the county shall not resubmit a proposal to the voters pursuant to this section
 117 sooner than twelve months from the date of the last proposal submitted pursuant
 118 to this section. If the qualified voters in two or more counties that have
 119 contiguous districts approve the sales tax proposal, the districts shall combine to
 120 become one 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
134 years. Trustees appointed after expiration of the initial terms shall be appointed
135 to a four-year term by the governing body of the county the trustee represents,
136 with the initially appointed trustee to remain in office until a successor is
137 appointed, 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] to 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 subsection 19**
26 **of section 32.087**. If a proposal receives less than the required majority, then
27 the governing authority of the city shall have no power to impose the sales tax
28 unless and until the governing authority of the city has submitted another
29 proposal to authorize the imposition of the sales tax authorized by this section
30 and such proposal is approved by the required majority of the qualified voters
31 voting 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
77 such repeal was approved] **as provided by subsection 19 of section 32.087.**
78 **If the city or county abolishes the tax, the city or county shall notify**
79 **the director of revenue of the action prior to the effective date of the**
80 **repeal.**

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

86 of other city funds.

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

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

111 [6.] 5. Except as modified in this section, all provisions of sections 32.085
112 [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. Upon voter
23 approval, and receiving the necessary certifications from the governing body of
24 the municipality in which the district is located, or from the circuit court if the
25 district was formed by the circuit court, the board of directors shall have the
26 power to impose a sales tax at its first meeting, or any meeting thereafter. Voter
27 approval of the question of the imposing sales tax shall be in accordance with
28 section 67.2520. [The sales tax shall become effective in those subdistricts that
29 approve the sales tax on the first day of the first calendar quarter immediately
30 following the passage of a resolution by the board of directors imposing the sales
31 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 pursuant
56 to this section shall be imposed at a rate that shall be uniform throughout the
57 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 subsection 19 of 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] **as provided by subsection 19 of section 32.087. If the district
174 abolishes the tax, the district shall notify the director of revenue of the
175 action 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] **as provided by subsection 19 of**
30 **section 32.087.** If a majority of the votes cast on the question by the qualified

31 voters voting thereon are opposed to the question, then the tax shall not become
32 effective unless and until the question is resubmitted under this section to the
33 qualified voters and such question is approved by a majority of the qualified
34 voters voting on the question. In no case shall a tax be resubmitted to the
35 qualified voters of the city sooner than twelve months from the date of the
36 proposal under this section.

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

46 4. The director of revenue may authorize the state treasurer to make
47 refunds from the amounts in the trust fund and credited to any city for erroneous
48 payments and overpayments made, and may redeem dishonored checks and drafts
49 deposited to the credit of such cities. If any city abolishes the tax, the city shall
50 notify the director of revenue of the action at least ninety days before the effective
51 date of the repeal, and the director of revenue may order retention in the trust
52 fund, for a period of one year, of two percent of the amount collected after receipt
53 of such notice to cover possible refunds or overpayment of the tax and to redeem
54 dishonored checks and drafts deposited to the credit of such accounts. After one
55 year has elapsed after the effective date of abolition of the tax in such city, the
56 director of revenue shall remit the balance in the account to the city and close the
57 account of that city. The director of revenue shall notify each city of each
58 instance of any amount refunded.

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

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

66

 YES NO

67 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
68 shall become effective [on December thirty-first of the calendar year in which
69 such repeal was approved] **as provided by subsection 19 of section 32.087.**
70 If a majority of the votes cast on the question by the qualified voters voting
71 thereon are opposed to the repeal, then the sales tax authorized in this section
72 shall remain effective until the question is resubmitted under this section to the
73 qualified voters, and the repeal is approved by a majority of the qualified voters
74 voting on the question. **If the city or county abolishes the tax, the city or**
75 **county shall notify the director of revenue of the action prior to the**
76 **effective date of the repeal.**

77 6. Whenever the governing body of any city that has adopted the sales tax
78 authorized in this section receives a petition, signed by ten percent of the
79 registered voters of the city voting in the last gubernatorial election, calling for
80 an election to repeal the sales tax imposed under this section, the governing body
81 shall submit to the voters of the city a proposal to repeal the tax. If a majority
82 of the votes cast on the question by the qualified voters voting thereon are in
83 favor of the repeal, that repeal shall become effective [on December thirty-first
84 of the calendar year in which such repeal was approved] **as provided by**
85 **subsection 19 of section 32.087.** If a majority of the votes cast on the question
86 by the qualified voters voting thereon are opposed to the repeal, then the tax
87 shall remain effective until the question is resubmitted under this section to the
88 qualified voters and the repeal is approved by a majority of the qualified voters
89 voting on the question.

90 **7. Except as provided in this section, all provisions of sections**
91 **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 subsection 19 of section 32.087**. If a majority of the
23 votes cast in that county or city not within a county by the qualified voters voting
24 are opposed to the proposal, then the additional sales tax shall not be imposed in
25 that county or city not within a county unless and until the governing body of
26 that county or city not within a county shall have submitted another proposal to
27 authorize the local option transportation sales tax authorized in this section, and
28 such proposal is approved by a majority of the qualified voters voting on it. In
29 no event shall a proposal pursuant to this section be submitted to the voters
30 sooner than twelve 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 of . .
18 (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 **as provided**
34 **by subsection 19 of section 32.087**. If the four-sevenths majority of the votes,
35 as required by the Missouri Constitution, article VI, section 26, cast on the
36 proposal, provided in subdivision (2) of this subsection to issue bonds and impose
37 a sales tax to retire such bonds, by the qualified voters voting thereon are in
38 favor of the proposal, then the ordinance and any amendments thereto shall be
39 in effect **as provided by subsection 19 of section 32.087**. If a majority of the
40 votes cast on the proposal, as provided in subdivision (1) of this subsection, by the
41 qualified voters voting thereon are opposed to the proposal, then the council or
42 other governing body of the city shall have no power to impose the tax authorized
43 in subdivision (1) of this subsection unless and until the council or other
44 governing body of the city submits another proposal to authorize the council or
45 other governing body of the city to impose the tax and such proposal is approved
46 by a majority of the qualified voters voting thereon. If more than three-sevenths
47 of the votes cast by the qualified voters voting thereon are opposed to the
48 proposal, as provided in subdivision (2) of this subsection to issue bonds and
49 impose a sales tax to retire such bonds, then the council or other governing body

50 of the city shall have no power to issue any bonds or to impose the tax authorized
51 in subdivision (2) of this subsection unless and until the council or other
52 governing body of the city submits another proposal to authorize the council or
53 other governing body of the city to issue such bonds or impose the tax to retire
54 such bonds and such proposal is approved by four-sevenths of the qualified voters
55 voting thereon.

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

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

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

76 5.] No tax imposed pursuant to this section for the purpose of retiring
77 bonds issued pursuant to this section may be terminated until all of such bonds
78 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 this**
108 **state under section 144.605. The isolated or occasional sale of tangible personal**
109 **property, service, substance, or thing, by a person not engaged in such business,**
110 **does not constitute engaging in business within the meaning of sections 144.010**
111 **to 144.525 unless the total amount of the gross receipts from such sales, exclusive**
112 **of receipts from the sale of tangible personal property by persons which property**
113 **is sold in the course of the partial or complete liquidation of a household, farm**
114 **or nonbusiness enterprise, exceeds three thousand dollars in any calendar**
115 **year. The provisions of this subdivision shall not be construed to make any sale**
116 **of property which is exempt from sales tax or use tax on June 1, 1977, subject to**
117 **that tax thereafter;**

118 **(11) "Calendar quarter", the period of three consecutive calendar**
119 **months ending on March thirty-first, June thirtieth, September**
120 **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 **[(3)] (14) "Captive wildlife", includes but is not limited to exotic**
130 **partridges, gray partridge, northern bobwhite quail, ring-necked pheasant,**
131 **captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers**
132 **held under permit issued by the Missouri department of conservation for hunting**
133 **purposes. The provisions of this subdivision shall not apply to sales tax on a**
134 **harvested animal;**

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

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

144 **(17) "Clothing":**

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

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

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

148 **b. Athletic supporters;**

149 **c. Baby receiving blankets;**

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

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

152 **f. Belts and suspenders;**

153 **g. Boots;**

154 **h. Coats and jackets;**

- 155 i. Costumes;
- 156 j. Diapers, children and adult, including disposable diapers;
- 157 k. Ear muffs;
- 158 l. Footlets;
- 159 m. Formal wear;
- 160 n. Garters and garter belts;
- 161 o. Girdles;
- 162 p. Gloves and mittens for general use;
- 163 q. Hats and caps;
- 164 r. Hosiery;
- 165 s. Insoles for shoes;
- 166 t. Lab coats;
- 167 u. Neckties;
- 168 v. Overshoes;
- 169 w. Pantyhose;
- 170 x. Rainwear;
- 171 y. Rubber pants;
- 172 z. Sandals;
- 173 aa. Scarves;
- 174 bb. Shoes and shoe laces;
- 175 cc. Slippers;
- 176 dd. Sneakers;
- 177 ee. Socks and stockings;
- 178 ff. Steel toed shoes;
- 179 gg. Underwear;
- 180 hh. Uniforms, athletic and nonathletic; and
- 181 ii. Wedding apparel;
- 182 (c) Clothing shall not include:
- 183 a. Belt buckles sold separately;
- 184 b. Costume masks sold separately;
- 185 c. Patches and emblems sold separately;
- 186 d. Sewing equipment and supplies, including but not limited to,
- 187 knitting needles, patterns, pins, scissors, sewing machines, sewing
- 188 needles, tape measures, and thimbles; and
- 189 e. Sewing materials that become part of clothing, including but
- 190 not limited to buttons, fabric, lace, thread, yarn, and zippers;
- 191 (18) "Clothing accessories and equipment", incidental items worn

192 on the person or in conjunction with clothing. Clothing accessories or
193 equipment are mutually exclusive of clothing, sport or recreational
194 equipment, and protective equipment;

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

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

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

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

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

213 (24) "Customer", the person or entity that contracts with the
214 seller of telecommunications services. If the end user of
215 telecommunications services is not the contracting party, the end user
216 of the telecommunications service is the customer of the
217 telecommunication service, but this definition only applies to the
218 purpose of sourcing sales of telecommunications services under section
219 144.114. Customer shall not include a reseller of telecommunications
220 service or for mobile telecommunications service of a serving carrier
221 under an agreement to serve the customer outside the home service
222 provider's licensed service area;

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

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

227 (27) "Delivery charges", charges by the seller of personal
228 property or services for preparation and delivery to a location

229 designated by the purchaser of personal property or services, including
230 but not limited to transportation, shipping, postage, handling, crating,
231 and packing;

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

235 (29) "Dietary supplement", any product, other than tobacco,
236 intended to supplement the diet that contains one or more of the
237 following dietary ingredients: a vitamin; a mineral; an herb or other
238 botanical; an amino acid; a dietary substance for use by humans to
239 supplement the diet by increasing the total dietary intake; or a
240 concentrate, metabolite, constituent, extract, or combination of any
241 ingredient described above; and that is intended for ingestion in tablet,
242 capsule, powder, softgel, gelcap, or liquid form, or if not intended for
243 ingestion in such a form, is not represented as a conventional food and
244 is not represented for use as a sole item of a meal or of the diet; and
245 that is required to be labeled as a dietary supplement, identifiable by
246 the supplemental facts box found on the label and as required under 21
247 CFR Section 101.36;

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

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

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

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

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

266 (35) "Drug":

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

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

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

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

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

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

281 (a) Can withstand repeated use;

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

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

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

286 (e) Is for home use;

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

289 (g) Shall not include:

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

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

294 As used in this subdivision, repair and replacement parts shall include
295 all components or attachments used in conjunction with the durable
296 medical equipment;

297 (37) "Electronic", relating to technology having electrical, digital,
298 magnetic, wireless, optical, electromagnetic, or similar capabilities;

299 (38) "End user", the person who utilizes the telecommunication
300 service. In case of an entity, "end user" means the individual who
301 utilizes the service on behalf of the entity;

302 (39) "Energy star qualified product", a product that meets the

303 energy efficient guidelines set by the United States Environmental
304 Protection Agency and the United States Department of Energy that are
305 authorized to carry the Energy Star label. Covered products are those
306 listed at www.energystar.gov or successor address;

307 (40) "Engages in business activities within this state" includes:

308 (a) Maintaining or having a franchisee or licensee operating
309 under the seller's trade name in this state if the franchisee or licensee
310 is required to collect sales tax pursuant to sections 144.010 to 144.525;

311 (b) Soliciting sales or taking orders by sales agents or traveling
312 representatives;

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

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

318 b. Maintains an office, distribution facility, warehouse, or
319 storage place, or similar place of business in the state to facilitate the
320 delivery of property or services sold by the vendor to the vendor's
321 customers;

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

324 d. Facilitates the vendor's delivery of property to customers in
325 the state by allowing the vendor's customers to pick up property sold
326 by the vendor at an office, distribution facility, warehouse, storage
327 place, or similar place of business maintained by the person in the
328 state; or

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

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

336 (e) Notwithstanding paragraph (c), a vendor shall be presumed
337 to engage in business activities within this state if the vendor enters
338 into an agreement with one or more residents of this state under which
339 the resident, for a commission or other consideration, directly or

340 indirectly refers potential customers, whether by a link on an internet
341 website, an in-person oral presentation, telemarketing, or otherwise, to
342 the vendor, if the cumulative gross receipts from sales by the vendor
343 to customers in the state who are referred to the vendor by all
344 residents with this type of an agreement with the vendor is in excess
345 of ten thousand dollars during the preceding twelve months;

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

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

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

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

367 [(4)] (44) "Gross receipts"[,] or "sales price":

368 (a) Except as provided in section 144.012, [means the total amount of the
369 sale price of the sales at retail including any services other than charges incident
370 to the extension of credit that are a part of such sales made by the businesses
371 herein referred to, capable of being valued in money, whether received in money
372 or otherwise; except that, the term gross receipts shall not include the sale price
373 of property returned by customers when the full sale price thereof is refunded
374 either in cash or by credit. In determining any tax due under sections 144.010
375 to 144.525 on the gross receipts, charges incident to the extension of credit shall
376 be specifically exempted. For the purposes of sections 144.010 to 144.525 the

377 total amount of the sale price above mentioned shall be deemed to be the amount
378 received. It shall also include the lease or rental consideration where the right
379 to continuous possession or use of any article of tangible personal property is
380 granted under a lease or contract and such transfer of possession would be
381 taxable if outright sale were made and, in such cases, the same shall be taxable
382 as if outright sale were made and considered as a sale of such article, and the tax
383 shall be computed and paid by the lessee upon the rentals paid] **applies to the**
384 **measure subject to sales tax and means the total amount of**
385 **consideration, including cash, credit, property, and services, for which**
386 **personal property or services are sold, leased, or rented, valued in**
387 **money, whether received in money or otherwise, without any deduction**
388 **for the following:**

389 a. **The seller's cost of the property sold;**

390 b. **The cost of materials used, labor or service cost, interest,**
391 **losses, all costs of transportation to the seller, all taxes imposed on the**
392 **seller, and any other expense of the seller;**

393 c. **Charges by the seller for any services necessary to complete**
394 **the sale, other than delivery and installation charges;**

395 d. **Delivery charges; and**

396 e. **Credit for any trade-in;**

397 **(b) Shall not include:**

398 a. **Discounts, including cash, term, or coupons that are not**
399 **reimbursed by a third party that are allowed by a seller and taken by**
400 **a purchaser on a sale;**

401 b. **Interest, financing, and carrying charges from credit extended**
402 **on the sale of personal property or services, if the amount is separately**
403 **stated on the invoice, bill of sale or similar document given to the**
404 **purchaser; and**

405 c. **Any taxes legally imposed directly on the consumer that are**
406 **separately stated on the invoice, bill of sale or similar document given**
407 **to the purchaser;**

408 **(c) Shall include consideration received by the seller from third**
409 **parties if:**

410 a. **The seller actually receives consideration from a party other**
411 **than the purchaser and the consideration is directly related to a price**
412 **reduction or discount on the sale;**

413 b. **The seller has an obligation to pass the price reduction or**

414 **discount through to the purchaser;**

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

418 **d. One of the following criteria is met:**

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

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

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

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

436 **(46) "Lease or rental":**

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

440 **(b) Lease or rental shall not include:**

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

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

449 **c. Providing tangible personal property along with an operator**
450 **for a fixed or indeterminate period of time provided that the operator**

451 is necessary for the equipment to perform as designed and the operator
452 does more than maintain, inspect, or set up the tangible personal
453 property;

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

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

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

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

471 [(5)] (50) "Instructional class", includes any class, lesson, or instruction
472 intended or used for teaching;

473 [(6)] (51) "Livestock", cattle, calves, sheep, swine, ratite birds, including
474 but not limited to, ostrich and emu, aquatic products as defined in section
475 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source
476 and not from the wild, goats, horses, other equine, or rabbits raised in
477 confinement for human consumption;

478 (52) "Load and leave", delivery to the purchaser by use of a
479 tangible storage media where the tangible storage media is not
480 physically transferred to the purchaser;

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

486 (54) "Mobile telecommunications service", the same as such term
487 is defined in Section 124(7) of Public Law 106-252, Mobile

488 **Telecommunications Sourcing Act;**

489 **(55) "Mobility enhancing equipment", equipment, including repair**
490 **and replacement parts to same, which:**

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

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

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

497 **Mobility enhancement equipment shall not include durable medical**
498 **equipment or any motor vehicle or equipment on a motor vehicle**
499 **normally provided by a motor vehicle manufacturer;**

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

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

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

515 **(59) "Model 4 seller", a seller that is registered under the**
516 **agreement and is not a Model 1 Seller, a Model 2 Seller, or a Model 3**
517 **Seller;**

518 **[(7)] (60) "Motor vehicle leasing company" [shall be], a company**
519 **obtaining a permit from the director of revenue to operate as a motor vehicle**
520 **leasing company. Not all persons renting or leasing trailers or motor vehicles**
521 **need to obtain such a permit; however, no person failing to obtain such a permit**
522 **may avail itself of the optional tax provisions of subsection 5 of section 144.070,**
523 **as hereinafter provided;**

524 **(61) "Other direct mail", any direct mail that is not advertising**

525 and promotional direct mail regardless of whether advertising and
526 promotional direct mail is included in the same mailing. Other direct
527 mail includes, but is not limited to:

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

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

533 (c) Other nonpromotional direct mail delivered to existing or
534 former shareholders, customers, employees, or agents including, but not
535 limited to, newsletters and informational pieces.

536 Other direct mail shall not include the development of billing
537 information or the provision of any data processing service that is
538 more than incidental;

539 (62) "Over-the-counter-drug", a drug, excluding grooming and
540 hygiene products, that contains a label that identifies the product as a
541 drug as required by 21 CFR Section 201.66 and includes:

542 (a) A drug facts panel; or

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

545 [(8)] (63) "Person" includes any individual, firm, copartnership, joint
546 adventure, association, corporation, municipal or private, and whether organized
547 for profit or not, state, county, political subdivision, state department,
548 commission, board, bureau or agency, [except the state transportation
549 department,] estate, trust, business trust, receiver or trustee appointed by the
550 state or federal court, syndicate, or any other group or combination acting as a
551 unit, and the plural as well as the singular number, or any other legal entity;

552 (64) "Place of primary use", the street address representative of
553 where the customer's use of the telecommunications service primarily
554 occurs, which must be the residential street address or the primary
555 business street address of the customer. In the case of mobile
556 telecommunications services, place of primary use must be within the
557 licensed service area of the home service provider;

558 (65) "Post-paid calling service", the telecommunications service
559 obtained by making a payment on a call-by-call basis either through the
560 use of a credit card or payment mechanism such as a bank card, travel
561 card, credit card, or debit card, or by charge made to a telephone

562 number which is not associated with the origination or termination of
563 the telecommunications service. A post-paid calling service includes a
564 telecommunications service, except a prepaid wireless calling service,
565 that would be a prepaid calling service except it is not exclusively a
566 telecommunications service;

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

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

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

591 (69) "Prescription", an order, formula, or recipe issued in any
592 form of oral, written, electronic, or other means of transmission by a
593 duly licensed practitioner authorized by the laws of the state;

594 (70) "Prewritten computer software", computer software,
595 including prewritten upgrades, which is not designed and developed by
596 the author or other creator to the specifications of a specific
597 purchaser. The combining of two or more prewritten computer
598 software programs or prewritten portions thereof shall not cause the

599 combination to be other than prewritten computer
600 software. Prewritten computer software shall include software
601 designed and developed by the author or other creator to the
602 specifications of a specific purchaser when it is sold to a person other
603 than the specific purchaser. Where a person modifies or enhances
604 computer software of which the person is not the author or creator, the
605 person shall be deemed to be the author or creator only of such
606 person's modifications or enhancements. Prewritten computer software
607 or a prewritten portion thereof that is modified or enhanced to any
608 degree, where such modification or enhancement is designed and
609 developed to the specifications of a specific purchaser, remains
610 prewritten computer software; provided, however, that where there is
611 a reasonable, separately stated charge or an invoice or other statement
612 of the price given to the purchaser for such modification or
613 enhancement, such modification or enhancement shall not constitute
614 prewritten computer software;

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

622 (72) "Product-based exemption", an exemption based on the
623 description of the product and not based on who purchases the product
624 or how the purchaser intends to use the product;

625 [(9)] (73) "Product which is intended to be sold ultimately for final use
626 or consumption" [means], tangible personal property, or any service that is
627 subject to state or local sales or use taxes, or any tax that is substantially
628 equivalent thereto, in this state or any other state;

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

636 reimbursement;

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

643 **(76) "Purchase", the acquisition of the ownership of, or title to,**
644 **tangible personal property, through a sale, as defined herein, for the**
645 **purpose of storage, use or consumption in this state;**

646 **(77) "Purchase price", applies to the measure subject to use tax**
647 **and has the same meaning as sales price;**

648 **[(10)] (78) "Purchaser" [means], a person who purchases tangible**
649 **personal property or to whom are rendered services, receipts from which are**
650 **taxable under sections 144.010 to 144.525;**

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

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

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

668 **[(11)] (82) "Research or experimentation activities" [are], the**
669 **development of an experimental or pilot model, plant process, formula, invention**
670 **or similar property, and the improvement of existing property of such**
671 **type. Research or experimentation activities do not include activities such as**
672 **ordinary testing or inspection of materials or products for quality control,**

673 efficiency surveys, advertising promotions or research in connection with literary,
674 historical or similar projects;

675 [(12) "Sale" or "sales" includes installment and credit sales, and the
676 exchange of properties as well as the sale thereof for money, every closed
677 transaction constituting a sale, and means any transfer, exchange or barter,
678 conditional or otherwise, in any manner or by any means whatsoever, of tangible
679 personal property for valuable consideration and the rendering, furnishing or
680 selling for a valuable consideration any of the substances, things and services
681 herein designated and defined as taxable under the terms of sections 144.010 to
682 144.525;

683 (13)] **(83)** "Sale at retail" [means any transfer made by any person
684 engaged in business as defined herein of the ownership of, or title to, tangible
685 personal property to the purchaser, for use or consumption and not for resale in
686 any form as tangible personal property, for a valuable consideration; except that,
687 for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)
688 purchases of tangible personal property made by duly licensed physicians,
689 dentists, optometrists and veterinarians and used in the practice of their
690 professions shall be deemed to be purchases for use or consumption and not for
691 resale; and (ii) the selling of computer printouts, computer output or microfilm
692 or microfiche and computer-assisted photo compositions to a purchaser to enable
693 the purchaser to obtain for his or her own use the desired information contained
694 in such computer printouts, computer output on microfilm or microfiche and
695 computer-assisted photo compositions shall be considered as the sale of a service
696 and not as the sale of tangible personal property] **or "retail sale", any sale,**
697 **lease, or rental for any purpose other than for resale, sublease, or**
698 **subrent. Purchases of tangible personal property made by duly**
699 **licensed physicians, dentists, optometrists, and veterinarians and used**
700 **in the practice of their professions shall be deemed to be purchases for**
701 **use or consumption and not for resale.** Where necessary to conform to the
702 context of sections 144.010 to 144.525 and the tax imposed thereby, the term sale
703 at retail shall be construed to embrace:

704 (a) Sales of admission tickets, cash admissions, charges and fees to or in
705 places of amusement, entertainment and recreation, games and athletic events,
706 except amounts paid for any instructional class;

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

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

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

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

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

723 **(84) "School art supply":**

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

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

728 **a. Clay and glazes;**

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

730 **c. Paintbrushes for artwork;**

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

732 **e. Watercolors;**

733 **(85) "School computer supply":**

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

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

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

739 **b. Handheld electronic schedulers, except devices that are**
740 **cellular phones;**

741 **c. Personal digital assistants, except devices that are cellular**
742 **phones; and**

743 **d. Computer printers and printer supplies for computers, printer**
744 **paper, and printer ink;**

745 (86) "School instructional material":

746 (a) Written material commonly used by a student in a course of
747 study as a reference and to learn the subject being taught. The term is
748 mutually exclusive of the terms school supply, school art supply, and
749 school computer supply;

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

751 a. Reference books;

752 b. Reference maps and globes;

753 c. Textbooks; and

754 d. Workbooks;

755 (87) "School supply":

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

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

760 a. Binders;

761 b. Book bags;

762 c. Calculators;

763 d. Cellophane tape;

764 e. Blackboard chalk;

765 f. Compasses;

766 g. Composition books;

767 h. Crayons;

768 i. Erasers;

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

770 k. Glue, paste, and paste sticks;

771 l. Highlighters;

772 m. Index cards;

773 n. Index card boxes;

774 o. Legal pads;

775 p. Lunch boxes;

776 q. Markers;

777 r. Notebooks;

778 s. Paper, loose leaf notebook paper, copy paper, graph paper,
779 tracing paper, manila paper, colored paper, poster board, and
780 construction paper;

781 t. Pencil boxes and other school supply boxes;

782 u. Pencil sharpeners;

783 v. Pencils;

784 w. Pens;

785 x. Protractors;

786 y. Rulers;

787 z. Scissors; and

788 aa. Writing tablets;

789 [(14)] (88) "Seller" [means], a person [selling or furnishing tangible]
790 making sales, leases, or rentals of personal property or [rendering services,
791 on the receipts from which a tax is imposed pursuant to section 144.020] service;

792 (89) "Selling agent", every person acting as a representative of a
793 principal, when such principal is not registered with the director of
794 revenue of the state of Missouri for the collection of the taxes imposed
795 under this chapter and who receives compensation by reason of the
796 sale of tangible personal property of the principal, if such property is
797 to be stored, used, or consumed in this state;

798 (90) "Service address":

799 (a) The location of the telecommunications equipment to which
800 a customer's call is charged and from which the call originates or
801 terminates, regardless of where the call is billed or paid;

802 (b) If the location in paragraph (a) of this subdivision is not
803 known, "service address" means the origination point of the signal of
804 the telecommunications services first identified by either the seller's
805 telecommunications system or in information received by the seller
806 from its service provider, where the system used to transport such
807 signals is not that of the seller;

808 (c) If the location in paragraphs (a) and (b) of this subdivision
809 are not known, the service address shall be the location of the
810 customer's place of primary use;

811 (91) "Specified digital products", electronically transferred
812 digital audio-visual works, digital audio works, and digital books;

813 (92) "Sport or recreational equipment", items designed for human
814 use and worn in conjunction with an athletic or recreational activity
815 that are not suitable for general use. Sport or recreational equipment
816 are mutually exclusive of clothing, clothing accessories or equipment,
817 and protective equipment;

818 (93) "State", any state of the United States, the District of

819 **Columbia, and the Commonwealth of Puerto Rico;**

820 **(94) "Storage", any keeping or retention in this state of tangible**
821 **personal property purchased from a vendor, except property for sale**
822 **or property that is temporarily kept or retained in this state for**
823 **subsequent use outside the state;**

824 **(95) "Tangible personal property", personal property that can be**
825 **seen, weighed, measured, felt, or touched, or that is in any other**
826 **manner perceptible to the senses. Tangible personal property shall**
827 **include electricity, water, gas, steam, and prewritten computer**
828 **software. Tangible personal property shall not include specified digital**
829 **products, digital audio-visual works, digital audio works, or digital**
830 **books;**

831 [(15) The noun "tax" means]

832 **(96) "Tax", either the tax payable by the purchaser of a commodity or**
833 **service subject to tax, or the aggregate amount of taxes due from the vendor of**
834 **such commodities or services during the period for which he or she is required to**
835 **report his or her collections, as the context may require; [and]**

836 **(97) "Taxpayer", any person remitting the tax or who should**
837 **remit the tax levied by this chapter;**

838 **(98) "Telecommunications nonrecurring charges", an amount**
839 **billed for the installation, connection, change or initiation of**
840 **telecommunications service received by the customer;**

841 [(16)] **(99) "Telecommunications service" [, for the purpose of this chapter,**
842 **the transmission of information by wire, radio, optical cable, coaxial cable,**
843 **electronic impulses, or other similar means. As used in this definition,**
844 **"information" means knowledge or intelligence represented by any form of**
845 **writing, signs, signals, pictures, sounds, or any other**
846 **symbols. Telecommunications service does not include the following if such**
847 **services are separately stated on the customer's bill or on records of the seller**
848 **maintained in the ordinary course of business:**

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

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

853 (c) Private mobile radio services which are not two-way commercial mobile
854 radio services such as wireless telephone, personal communications services or

855 enhanced specialized mobile radio services as defined pursuant to federal law; or

856 (d) Cable or satellite television or music services];

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

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

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

871 (d) **Telecommunications service shall not include:**

872 a. **Data processing and information services that allow data to**
873 **be generated, acquired, stored, processed, or retrieved and delivered**
874 **by an electronic transmission to a purchaser where such purchaser's**
875 **primary purpose for the underlying transaction is the processed data**
876 **or information;**

877 b. **Installation or maintenance of wiring or equipment on a**
878 **customer's premises;**

879 c. **Tangible personal property;**

880 d. **Advertising, including but not limited to directory advertising;**

881 e. **Billing and collection services provided to third parties;**

882 f. **Internet access service;**

883 g. **Radio and television audio and video programming services,**
884 **regardless of the medium, including the furnishing of transmission,**
885 **conveyance, and routing of such services by the programming service**
886 **provider. Radio and television audio and video programming services**
887 **shall include, but not be limited to, cable service, as defined in 47**
888 **U.S.C. Section 522(6), and audio and video programming services**
889 **delivered by commercial mobile radio service providers, as defined in**
890 **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 (100) "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 (101) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or
913 any other item that contains tobacco;
914 (102) "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 (103) "Use-based exemption", an exemption based on a specified
920 use of the product by the purchaser;
921 (104) "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 manufactured
942 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.

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

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

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

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

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

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

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

29 (3) If an optional computer software maintenance contract is a
30 bundled transaction in which both taxable and nontaxable or exempt
31 products that are not separately itemized on the invoice or similar
32 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 shall
51 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 all sales, rentals, repairs, and parts of
136 durable medical equipment, prosthetic devices, and orthopedic devices as defined
137 on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of
138 the Social Security Act of 1965, including the items specified in Section
139 1862(a)(12) of that act, and also specifically including hearing aids and hearing
140 aid supplies and all sales of drugs which may be legally dispensed by a licensed
141 pharmacist only upon a lawful prescription of a practitioner licensed to
142 administer those items, including samples and materials used to manufacture
143 samples which may be dispensed by a practitioner authorized to dispense such
144 samples and all sales or rental of medical oxygen, home respiratory equipment
145 and accessories including parts, and hospital beds and accessories and
146 ambulatory aids including parts, and all sales or rental of manual and powered
147 wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille

148 equipment and, if purchased or rented by or on behalf of a person with one or
149 more physical or mental disabilities to enable them to function more
150 independently, all sales or rental of scooters including parts, and reading
151 machines, electronic print enlargers and magnifiers, electronic alternative and
152 augmentative communication devices, and items used solely to modify motor
153 vehicles to permit the use of such motor vehicles by individuals with disabilities
154 or sales of] over-the-counter [or nonprescription] drugs to individuals with
155 disabilities, **and all sales of drugs, durable medical equipment, prosthetic**
156 **devices, mobility enhancing equipment, kidney dialysis equipment and**
157 **enteral feeding systems**, and drugs required by the Food and Drug
158 Administration to meet the over-the-counter drug product labeling requirements
159 in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
160 licensed to prescribe;

161 (20) All sales made by or to religious and charitable organizations and
162 institutions in their religious, charitable or educational functions and activities
163 and all sales made by or to all elementary and secondary schools operated at
164 public expense in their educational functions and activities;

165 (21) All sales of aircraft to common carriers for storage or for use in
166 interstate commerce and all sales made by or to not-for-profit civic, social, service
167 or fraternal organizations, including fraternal organizations which have been
168 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
169 1986 Internal Revenue Code, as amended, in their civic or charitable functions
170 and activities and all sales made to eleemosynary and penal institutions and
171 industries of the state, and all sales made to any private not-for-profit institution
172 of higher education not otherwise excluded pursuant to subdivision (20) of this
173 subsection or any institution of higher education supported by public funds, and
174 all sales made to a state relief agency in the exercise of relief functions and
175 activities;

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

184 (23) All sales made to any private not-for-profit elementary or secondary
185 school, all sales of feed additives, medications or vaccines administered to
186 livestock or poultry in the production of food or fiber, all sales of pesticides used
187 in the production of crops, livestock or poultry for food or fiber, all sales of
188 bedding used in the production of livestock or poultry for food or fiber, all sales
189 of propane or natural gas, electricity or diesel fuel used exclusively for drying
190 agricultural crops, natural gas used in the primary manufacture or processing of
191 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
192 used by an eligible new generation cooperative or an eligible new generation
193 processing entity as defined in section 348.432, and all sales of farm machinery
194 and equipment, other than airplanes, motor vehicles and trailers, and any freight
195 charges on any exempt item. As used in this subdivision, the term "feed
196 additives" means tangible personal property which, when mixed with feed for
197 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
198 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
199 surfactants, wetting agents and other assorted pesticide carriers used to improve
200 or enhance the effect of a pesticide and the foam used to mark the application of
201 pesticides and herbicides for the production of crops, livestock or poultry. As
202 used in this subdivision, the term "farm machinery and equipment" means new
203 or used farm tractors and such other new or used farm machinery and equipment
204 and repair or replacement parts thereon and any accessories for and upgrades to
205 such farm machinery and equipment, rotary mowers used exclusively for
206 agricultural purposes, and supplies and lubricants used exclusively, solely, and
207 directly for producing crops, raising and feeding livestock, fish, poultry,
208 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
209 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
210 therefor which is:

- 211 (a) Used exclusively for agricultural purposes;
- 212 (b) Used on land owned or leased for the purpose of producing farm
213 products; and
- 214 (c) Used directly in producing farm products to be sold ultimately in
215 processed form or otherwise at retail or in producing farm products to be fed to
216 livestock or poultry to be sold ultimately in processed form at retail;

217 (24) Except as otherwise provided in section 144.032, all sales of metered
218 water service, electricity, [electrical current, natural, artificial or propane gas,
219 wood, coal or home heating oil] **piped natural or artificial gas, or other**

220 **fuels delivered by the seller** for domestic use and in any city not within a
221 county, all sales of metered or unmetered water service for domestic use:

222 (a) "Domestic use" means that portion of metered water service,
223 electricity, [electrical current, natural, artificial or propane gas, wood, coal or
224 home heating oil, and in any city not within a county, metered or unmetered
225 water service,] **piped natural or artificial gas, or other fuels delivered by**
226 **the seller** which an individual occupant of a residential premises uses for
227 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
228 a single or master meter for residential apartments or condominiums, including
229 service for common areas and facilities and vacant units, shall be deemed to be
230 for domestic use. Each seller shall establish and maintain a system whereby
231 individual purchases are determined as exempt or nonexempt;

232 (b) Regulated utility sellers shall determine whether individual purchases
233 are exempt or nonexempt based upon the seller's utility service rate
234 classifications as contained in tariffs on file with and approved by the Missouri
235 public service commission. Sales and purchases made pursuant to the rate
236 classification "residential" and sales to and purchases made by or on behalf of the
237 occupants of residential apartments or condominiums through a single or master
238 meter, including service for common areas and facilities and vacant units, shall
239 be considered as sales made for domestic use and such sales shall be exempt from
240 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
241 classified as nondomestic use. The sellers utility service rate classification and
242 the provision of service thereunder shall be conclusive as to whether or not the
243 utility must charge sales tax;

244 (c) Each person making domestic use purchases of [services or property]
245 **electricity, piped natural or artificial gas, or other fuels delivered by**
246 **the seller** and who uses any portion of the services or property so purchased for
247 a nondomestic use shall, by the fifteenth day of the fourth month following the
248 year of purchase, and without assessment, notice or demand, file a return and
249 pay sales tax on that portion of nondomestic purchases. Each person making
250 nondomestic purchases of [services or property] **electricity, piped natural or**
251 **artificial gas, or other fuels delivered by the seller** and who uses any
252 portion of the [services or property] **electricity, piped natural or artificial**
253 **gas, or other fuels delivered by the seller** so purchased for domestic use,
254 and each person making domestic purchases on behalf of occupants of residential
255 apartments or condominiums through a single or master meter, including service

256 for common areas and facilities and vacant units, under a nonresidential utility
257 service rate classification may, between the first day of the first month and the
258 fifteenth day of the fourth month following the year of purchase, apply for credit
259 or refund to the director of revenue and the director shall give credit or make
260 refund for taxes paid on the domestic use portion of the purchase. The person
261 making such purchases on behalf of occupants of residential apartments or
262 condominiums shall have standing to apply to the director of revenue for such
263 credit or refund;

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

268 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041,
269 [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United
270 States Code. The director of revenue shall promulgate rules pursuant to chapter
271 536 to eliminate all state and local sales taxes on such excise taxes;

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

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

281 (29) Computers, computer software and computer security systems
282 purchased for use by architectural or engineering firms headquartered in this
283 state. For the purposes of this subdivision, "headquartered in this state" means
284 the office for the administrative management of at least four integrated facilities
285 operated by the taxpayer is located in the state of Missouri;

286 (30) All livestock sales when either the seller is engaged in the growing,
287 producing or feeding of such livestock, or the seller is engaged in the business of
288 buying and selling, bartering or leasing of such livestock;

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

291 (32) Electrical energy or gas, whether natural, artificial or propane, water,

292 or other utilities which are ultimately consumed in connection with the
293 manufacturing of cellular glass products or in any material recovery processing
294 plant as defined in subdivision (5) of this subsection;

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

298 (34) Tangible personal property and utilities purchased for use or
299 consumption directly or exclusively in the research and development of
300 agricultural/biotechnology and plant genomics products and prescription
301 pharmaceuticals consumed by humans or animals;

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

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

307 (37) All purchases by a contractor on behalf of an entity located in another
308 state, provided that the entity is authorized to issue a certificate of exemption for
309 purchases to a contractor under the provisions of that state's laws. For purposes
310 of this subdivision, the term "certificate of exemption" shall mean any document
311 evidencing that the entity is exempt from sales and use taxes on purchases
312 pursuant to the laws of the state in which the entity is located. Any contractor
313 making purchases on behalf of such entity shall maintain a copy of the entity's
314 exemption certificate as evidence of the exemption. If the exemption certificate
315 issued by the exempt entity to the contractor is later determined by the director
316 of revenue to be invalid for any reason and the contractor has accepted the
317 certificate in good faith, neither the contractor or the exempt entity shall be liable
318 for the payment of any taxes, interest and penalty due as the result of use of the
319 invalid exemption certificate. Materials shall be exempt from all state and local
320 sales and use taxes when purchased by a contractor for the purpose of fabricating
321 tangible personal property which is used in fulfilling a contract for the purpose
322 of constructing, repairing or remodeling facilities for the following:

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

326 (b) An exempt entity located outside the state if the exempt entity is
327 authorized to issue an exemption certificate to contractors in accordance with the

328 provisions of that state's law and the applicable provisions of this section;

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

333 (39) Sales of tickets to any collegiate athletic championship event that is
334 held in a facility owned or operated by a governmental authority or commission,
335 a quasi-governmental agency, a state university or college or by the state or any
336 political subdivision thereof, including a municipality, and that is played on a
337 neutral site and may reasonably be played at a site located outside the state of
338 Missouri. For purposes of this subdivision, "neutral site" means any site that is
339 not located on the campus of a conference member institution participating in the
340 event;

341 (40) All purchases by a sports complex authority created under section
342 64.920, and all sales of utilities by such authority at the authority's cost that are
343 consumed in connection with the operation of a sports complex leased to a
344 professional sports team;

345 (41) All materials, replacement parts, and equipment purchased for use
346 directly upon, and for the modification, replacement, repair, and maintenance of
347 aircraft, aircraft power plants, and aircraft accessories;

348 (42) Sales of sporting clays, wobble, skeet, and trap targets to any
349 shooting range or similar places of business for use in the normal course of
350 business and money received by a shooting range or similar places of business
351 from patrons and held by a shooting range or similar place of business for
352 redistribution to patrons at the conclusion of a shooting event;

353 (43) All sales of motor fuel, as defined in section 142.800, used in any
354 watercraft, as defined in section 306.010;

355 (44) Any new or used aircraft sold or delivered in this state to a person
356 who is not a resident of this state or a corporation that is not incorporated in this
357 state, and such aircraft is not to be based in this state and shall not remain in
358 this state more than ten business days subsequent to the last to occur of:

359 (a) The transfer of title to the aircraft to a person who is not a resident
360 of this state or a corporation that is not incorporated in this state; or

361 (b) The date of the return to service of the aircraft in accordance with 14
362 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations,
363 repairs, or installations that are completed contemporaneously with the transfer

364 of title to the aircraft to a person who is not a resident of this state or a
365 corporation that is not incorporated in this state;

366 (45) All internet access or the use of internet access regardless of whether
367 the tax is imposed on a provider of internet access or a buyer of internet
368 access. For purposes of this subdivision, the following terms shall mean:

369 (a) "Direct costs", costs incurred by a governmental authority solely
370 because of an internet service provider's use of the public right-of-way. The term
371 shall not include costs that the governmental authority would have incurred if the
372 internet service provider did not make such use of the public right-of-way. Direct
373 costs shall be determined in a manner consistent with generally accepted
374 accounting principles;

375 (b) "Internet", computer and telecommunications facilities, including
376 equipment and operating software, that comprises the interconnected worldwide
377 network that employ the transmission control protocol or internet protocol, or any
378 predecessor or successor protocols to that protocol, to communicate information
379 of all kinds by wire or radio;

380 (c) "Internet access", a service that enables users to connect to the
381 internet to access content, information, or other services without regard to
382 whether the service is referred to as telecommunications, communications,
383 transmission, or similar services, and without regard to whether a provider of the
384 service is subject to regulation by the Federal Communications Commission as a
385 common carrier under 47 U.S.C. Section 201, et seq. For purposes of this
386 subdivision, internet access also includes: the purchase, use, or sale of
387 communications services, including telecommunications services as defined in
388 section 144.010, to the extent the communications services are purchased, used,
389 or sold to provide the service described in this subdivision or to otherwise enable
390 users to access content, information, or other services offered over the internet;
391 services that are incidental to the provision of a service described in this
392 subdivision, when furnished to users as part of such service, including a home
393 page, electronic mail, and instant messaging, including voice-capable and
394 video-capable electronic mail and instant messaging, video clips, and personal
395 electronic storage capacity; a home page electronic mail and instant messaging,
396 including voice-capable and video-capable electronic mail and instant messaging,
397 video clips, and personal electronic storage capacity that are provided
398 independently or that are not packed with internet access. As used in this
399 subdivision, internet access does not include voice, audio, and video programming

400 or other products and services, except services described in this paragraph or this
401 subdivision, that use internet protocol or any successor protocol and for which
402 there is a charge, regardless of whether the charge is separately stated or
403 aggregated with the charge for services described in this paragraph or this
404 subdivision;

405 (d) "Tax", any charge imposed by the state or a political subdivision of the
406 state for the purpose of generating revenues for governmental purposes and that
407 is not a fee imposed for a specific privilege, service, or benefit conferred, except
408 as described as otherwise under this subdivision, or any obligation imposed on a
409 seller to collect and to remit to the state or a political subdivision of the state any
410 gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental
411 entity. The term tax shall not include any franchise fee or similar fee imposed
412 or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the
413 Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573;
414 or any other fee related to obligations of telecommunications carriers under the
415 Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent
416 that:

417 a. The fee is not imposed for the purpose of recovering direct costs
418 incurred by the franchising or other governmental authority from providing the
419 specific privilege, service, or benefit conferred to the payer of the fee; or

420 b. The fee is imposed for the use of a public right-of-way based on a
421 percentage of the service revenue, and the fee exceeds the incremental direct
422 costs incurred by the governmental authority associated with the provision of that
423 right-of-way to the provider of internet access service.

424 Nothing in this subdivision shall be interpreted as an exemption from taxes due
425 on goods or services that were subject to tax on January 1, 2016.

426 3. Any ruling, agreement, or contract, whether written or oral, express or
427 implied, between a person and this state's executive branch, or any other state
428 agency or department, stating, agreeing, or ruling that such person is not
429 required to collect sales and use tax in this state despite the presence of a
430 warehouse, distribution center, or fulfillment center in this state that is owned
431 or operated by the person or an affiliated person shall be null and void unless it
432 is specifically approved by a majority vote of each of the houses of the general
433 assembly. For purposes of this subsection, an "affiliated person" means any
434 person that is a member of the same controlled group of corporations as defined
435 in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the

436 vendor or any other entity that, notwithstanding its form of organization, bears
437 the same ownership relationship to the vendor as a corporation that is a member
438 of the same controlled group of corporations as defined in Section 1563(a) of the
439 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] **piped 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.

144.049. 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 [not to exceed fifty dollars per purchase,], **school art**
28 **supplies, and school instructional materials;** all **prewritten** computer
29 software with a taxable value of three hundred fifty dollars or less[, all graphing
30 calculators having a taxable value of one hundred fifty dollars or less,]; and all
31 retail sales of [personal] computers [or computer peripheral devices] **and school**
32 **computer supplies** not to exceed one thousand five hundred dollars **per item,**
33 during a three-day period beginning at 12:01 a.m. on the first Friday in August
34 and ending at 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 not apply to the individual listing of items or transactions within a
19 product 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.

144.111. 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 the order is received by the seller and the
6 location where the purchaser receives the product are both in Missouri;

7 (b) The location where receipt of the product by the purchaser
8 occurs is determined in accordance with subsection 2 of this section;
9 and

10 (c) At the time the order is received, the recordkeeping system
11 of the seller used to calculate the proper amount of sales or use tax to
12 be imposed captures the location where the order is received.

13 (3) When the sale is sourced under this section to the location
14 where the order is received by the seller, only the sales tax for the
15 location where the order is received by the seller may be levied. No
16 additional sales or use tax based on the location where the product is
17 delivered to the purchaser may be levied on that sale. The purchaser
18 shall not be entitled to any refund if the combined state and local rate
19 or rates at the location where the product is received by the purchaser
20 is lower than the rate where the order is received by the seller.

21 (4) A purchaser shall have no additional liability to the state for
22 tax, penalty, or interest on a sale for which the purchaser remits tax to
23 the seller in the amount invoiced by the seller if such invoice amount
24 is calculated at either the rate applicable to the location where receipt
25 by the purchaser occurs or at the rate applicable to the location where

26 the order is received by the seller. A purchaser may rely on a written
27 representation by the seller as to the location where the order for such
28 sale was received by the seller. When the purchaser does not have a
29 written representation by the seller as to the location where the order
30 for such sale was received by the seller, the purchaser may use a
31 location indicated by a business address for the seller that is available
32 from the business records of the purchaser that are maintained in the
33 ordinary course of the purchaser's business to determine the rate
34 applicable to the location where the order was received.

35 (5) The location where the order is received by or on behalf of
36 the seller means the physical location of a seller or third party such as
37 an established outlet, office location, or automated order receipt system
38 operated by or on behalf of the seller where an order is initially
39 received by or on behalf of the seller and not where the order may be
40 subsequently accepted, completed, or fulfilled. An order is received
41 when all of the information from the purchaser necessary to the
42 determination whether the order can be accepted has been received by
43 or on behalf of the seller. The location from which a product is shipped
44 shall not be used in determining the location where the order is
45 received by the seller.

46 (6) When taxable services are sold with tangible personal
47 property or digital products pursuant to a single contract or in the
48 same transaction, are billed on the same billing statement or
49 statements, and, because of the application of this section, would be
50 sourced to different jurisdictions, this subsection shall apply to
51 determine the source for tax.

52 2. Except as provided in section 144.112, when the location where
53 the order is received by the seller and the location where the receipt
54 of the product by the purchaser (or the purchaser's donee, designated
55 as such by the purchaser) occurs are in different states, the retail sale,
56 excluding lease or rental, of a product shall be sourced as follows:

57 (1) When the product is received by the purchaser at a business
58 location of the seller, the sale shall be sourced to such business
59 location;

60 (2) When the product is not received by the purchaser at a
61 business location of the seller, the sale shall be sourced to the location
62 where receipt by the purchaser (or the purchaser's donee, designated

63 as such by the purchaser) occurs, including the location indicated by
64 instructions for delivery to the purchaser or donee, known to the seller;

65 (3) When subdivisions (1) and (2) of this subsection do not apply,
66 the sale shall be sourced to the location indicated by an address for the
67 purchaser that is available from the business records of the seller that
68 are maintained in the ordinary course of the seller's business when use
69 of this address does not constitute bad faith;

70 (4) When subdivisions (1), (2), and (3) of this subsection do not
71 apply, the sale shall be sourced to the location indicated by an address
72 for the purchaser obtained during the consummation of the sale,
73 including the address of a purchaser's payment instrument, if no other
74 address is available, when use of this address does not constitute bad
75 faith;

76 (5) When none of the previous rules of subdivisions (1), (2), (3),
77 and (4) of this subsection do not apply, including the circumstances in
78 which the seller is without sufficient information to apply the previous
79 rules, then the location will be determined by the address from which
80 tangible personal property was shipped, from which the digital good or
81 computer software delivered electronically was first available for
82 transmission from the seller, or from which the service was provided
83 (disregarding for these purposes any location that merely provided the
84 digital transfer of the product sold).

85 3. Notwithstanding subsections 1 and 2 of this section, all sales
86 of motor vehicles, trailers, semi-trailers, watercraft, outboard motors,
87 and aircraft that do not qualify as transportation equipment shall be
88 sourced to the address of the owner thereof.

89 4. The lease or rental of tangible personal property, other than
90 property identified in subsection 2 or 3 of this section, shall be sourced
91 as follows:

92 (1) For a lease or rental that requires recurring periodic
93 payments, the first periodic payment is sourced the same as a retail
94 sale in accordance with the provisions of subsection 1 of this
95 section. Periodic payments made subsequent to the first payment are
96 sourced to the primary property location for each period covered by
97 the payment. The primary property location shall be as indicated by
98 an address for the property provided by the lessee that is available to
99 the lessor from its records maintained in the ordinary course of

100 **business, when use of this address does not constitute bad faith. The**
101 **property location shall not be altered by intermittent use at different**
102 **locations, such as use of business property that accompanies employees**
103 **on business trips and service calls;**

104 **(2) For a lease or rental that does not require recurring periodic**
105 **payments, the payment is sourced the same as a retail sale in**
106 **accordance with the provisions of subsection 1 of this section;**

107 **(3) This subsection does not affect the imposition or computation**
108 **of sales or use tax on leases or rentals based on a lump sum or**
109 **accelerated basis, or on the acquisition of property for lease.**

110 **5. The lease or rental of motor vehicles, trailers, semi-trailers, or**
111 **aircraft that do not qualify as transportation equipment, as defined in**
112 **section 144.010, shall be sourced as follows:**

113 **(1) For a lease or rental that requires recurring periodic**
114 **payments, each periodic payment is sourced to the primary property**
115 **location. The primary property location shall be as indicated by an**
116 **address for the property provided by the lessee that is available to the**
117 **lessor from its records maintained in the ordinary course of business,**
118 **when use of such address does not constitute bad faith. Such location**
119 **shall not be altered by intermittent use at different locations;**

120 **(2) For a lease or rental that does not require recurring periodic**
121 **payments, the payment is sourced the same as a retail sale in**
122 **accordance with the provisions of subsection 1 of this section;**

123 **(3) This subsection does not affect the imposition or computation**
124 **of sales or use tax on leases or rentals based on a lump sum or**
125 **accelerated basis, or on the acquisition of property for lease.**

126 **6. The retail sale, including lease or rental, of transportation**
127 **equipment shall be sourced the same as a retail sale in accordance with**
128 **the provisions of subsection 1 of this section, notwithstanding the**
129 **exclusion of lease or rental in subsection 1 of this section.**

144.112. 1. The retail sale of a product shall be sourced in
2 accordance with section 144.111. The provisions of section 144.111 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 144.111 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 144.111 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.

144.113. 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 144.111. 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 144.111, 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 144.111.

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 144.111, 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.] 144.114. 1. [As used in this section, the following terms
2 mean:

- 3 (1) "Light aircraft", a light airplane that seats no more than four persons,
4 with a gross weight of three thousand pounds or less, which is primarily used for
5 recreational flying or flight training;
6 (2) "Light aircraft kit", factory manufactured parts and components,
7 including engine, propeller, instruments, wheels, brakes, and air frame parts
8 which make up a complete aircraft kit or partial kit designed to be assembled into
9 a light aircraft and then operated by a qualified purchaser for recreational and
10 educational purposes;
11 (3) "Parts and components", manufactured light aircraft parts, including
12 air frame and engine parts, that are required by the qualified purchaser to
13 complete a light aircraft kit, or spare or replacement parts for an already
14 completed light aircraft;
15 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit,
16 parts or components who is nonresident of this state, who will transport the light
17 aircraft, light aircraft kit, parts or components outside this state within ten days
18 after the date of purchase, and who will register any light aircraft so purchased
19 in another state or country. Such purchaser shall not base such aircraft in this
20 state and such purchaser shall not be a resident of the state unless such
21 purchaser has paid sales or use tax on such aircraft in another state.

22 2. In addition to the exemptions granted under the provisions of section
23 144.030, there shall also be specifically exempted from the provisions of sections
24 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the

25 provisions of any local sales tax law, as defined in section 32.085, and from the
26 computation of the tax levied, assessed or payable under sections 144.010 to
27 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales
28 tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft
29 kits, parts or components manufactured or substantially completed within this
30 state, when such new light aircraft, light aircraft kits, parts or components are
31 sold by the manufacturer to a qualified purchaser. The director of revenue shall
32 prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts
33 or components to establish that such person is a qualified purchaser and is
34 eligible for the exemption established in this section] **Except for the defined**
35 **telecommunication services in subsection 3 of this section, the sale of**
36 **telecommunication service sold on a call-by-call basis shall be sourced**
37 **to:**

38 **(1) Each level of taxing jurisdiction where the call originates and**
39 **terminates in that jurisdiction; or**

40 **(2) Each level of taxing jurisdiction where the call either**
41 **originates or terminates and in which the service address is also**
42 **located.**

43 **2. Except for the defined telecommunication services in**
44 **subsection 3 of this section, a sale of telecommunications services sold**
45 **on a basis other than a call-by-call basis, is sourced to the customer's**
46 **place of primary use.**

47 **3. The sale of the following telecommunication services shall be**
48 **sourced to each level of taxing jurisdiction as follows:**

49 **(1) A sale of mobile telecommunications services other than air-**
50 **to-ground radiotelephone service and prepaid calling service, is**
51 **sourced to the customer's place of primary use as required by the**
52 **Mobile Telecommunications Sourcing Act;**

53 **(2) A sale of post-paid calling service is sourced to the**
54 **origination point of the telecommunications signal as first identified by**
55 **either:**

56 **(a) The seller's telecommunications system; or**

57 **(b) Information received by the seller from its service provider,**
58 **where the system used to transport such signals is not that of the seller;**

59 **(3) A sale of prepaid calling service or a sale of a prepaid**
60 **wireless calling service is sourced in accordance with section 144.111,**
61 **provided however, in the case of a sale of prepaid wireless calling**

62 service, the rule provided in subdivision (5) of subsection 2 of section
63 144.111 shall include as an option the location associated with the
64 mobile telephone number;

65 (4) A sale of a private communication service is sourced as
66 follows:

67 (a) Service for a separate charge related to a customer channel
68 termination point is sourced to each level of jurisdiction in which such
69 customer channel termination point is located;

70 (b) Service where all customer termination points are located
71 entirely within one jurisdiction or levels of jurisdiction is sourced in
72 such jurisdiction in which the customer channel termination points are
73 located;

74 (c) Service for segments of a channel between two customer
75 channel termination points located in different jurisdictions and which
76 segment of channel are separately charged is sourced fifty percent in
77 each level of jurisdiction in which the customer channel termination
78 points are located; and

79 (d) Service for segments of a channel located in more than one
80 jurisdiction or levels of jurisdiction and which segments are not
81 separately billed is sourced in each jurisdiction based on the
82 percentage determined by dividing the number of customer channel
83 termination points in such jurisdiction by the total number of customer
84 channel termination points.

85 4. The sale of internet access service is sourced to the customer's
86 place of primary use.

87 5. The sale of an ancillary service is sourced to the customer's
88 place of primary use.

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 CSP shall be relieved from liability to this state or
7 any local taxing jurisdiction for having charged and collected the
8 incorrect amount of state or local sales or use tax resulting from such
9 seller's or CSP's reliance upon erroneous data provided by the director
10 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 CSP, in accordance with the agreement and under the**
10 **terms of the contract signed with the provider, provided that such**
11 **allowance shall be funded entirely from money collected in Model 1;**

12 **(2) Any vendor registered under the agreement that selects a**
13 **certified automated system to perform part of its sales or use tax**
14 **functions;**

15 **(3) Any vendor registered under the agreement that uses a**
16 **proprietary system to calculate taxes due and has entered into a**
17 **performance agreement with states that are members of the**
18 **streamlined sales and use tax agreement.**

19 **3. The monetary allowance provided for vendors in subdivision**
20 **(2) or (3) of subsection 2 of this section shall be determined in**
21 **accordance with the agreement entered into with these parties by the**
22 **governing board.**

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 quarter
22 immediately following the election approving the proposal] **as provided by**
23 **subsection 19 of section 32.087**. If the proposal receives less than the
24 required majority, the commission shall have no power to impose the sales tax
25 authorized pursuant to this section unless and until the commission shall again
26 have submitted another proposal to authorize the commission 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 voting on such proposal; however,
29 in no event shall a proposal pursuant to this section be submitted to the voters
30 sooner than twelve months from the date of the last submission of a proposal
31 pursuant to this section.

32 3. All revenue received by a district from the tax authorized pursuant to
33 this section shall be deposited in a special trust fund and shall be used solely for
34 providing jail services and court facilities and equipment for such district for so
35 long as the tax shall remain in effect.

36 4. Once the tax authorized by this section is abolished or terminated by
37 any means, all funds remaining in the special trust fund shall be used solely for
38 providing jail services and court facilities and equipment for the district. Any
39 funds in such special trust fund which are not needed for current expenditures
40 may be invested by the commission in accordance with applicable laws relating
41 to the investment of other county funds.

42 5. All sales taxes collected by the director of revenue pursuant to this
43 section on behalf of any district, less one percent for cost of collection which shall
44 be deposited in the state's general revenue fund after payment of premiums for
45 surety bonds as provided in section 32.087, shall be deposited in a special trust

46 fund, which is hereby created, to be known as the "Regional Jail District Sales
47 Tax Trust Fund". The moneys in the regional jail district sales tax trust fund
48 shall not be deemed to be state funds and shall not be commingled with any funds
49 of the state. The director of revenue shall keep accurate records of the amount
50 of money in the trust fund which was collected in each district imposing a sales
51 tax pursuant to this section, and the records shall be open to the inspection of
52 officers of each member county and the public. Not later than the tenth day of
53 each month the director of revenue shall distribute all moneys deposited in the
54 trust fund during the preceding month to the district which levied the tax. Such
55 funds shall be deposited with the treasurer of each such district, and all
56 expenditures of funds arising from the regional jail district sales tax trust fund
57 shall be paid pursuant to an appropriation adopted by the commission and shall
58 be approved by the commission. Expenditures may be made from the fund for
59 any function authorized in the order adopted by the commission submitting the
60 regional jail district tax to the voters.

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

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

77 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 **as provided by subsection 19 of section 32.087**. If
37 a majority of the votes cast by the qualified voters voting are opposed to the
38 proposal, then the board of directors of the transportation development district
39 shall have no power to impose the sales tax authorized by this section unless and
40 until the board of directors of the transportation development district shall again

41 have submitted another proposal to authorize it to impose the sales tax pursuant
42 to the provisions of this section and such proposal is approved by a majority of
43 the qualified voters voting 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 **and** 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 **as provided by subsection 19 of section 32.087**. If a
160 majority of the votes cast by the qualified voters voting thereon are opposed to
161 the proposal to repeal the transportation development sales tax, then the
162 ordinance or resolution imposing the transportation development sales tax, along
163 with any amendments thereto, shall remain in 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] **as provided by subsection 19 of section**
22 **32.087**. If a majority of the votes cast by the qualified voters voting are opposed
23 to the proposal, then the transit authority shall have no power to impose the
24 sales tax authorized by this section unless and until another proposal to
25 authorize the transit authority to impose the sales tax authorized by this section
26 has been submitted and such proposal is approved by a majority of the qualified
27 voters voting thereon.

28 3. All revenue received by the transit authority from the tax authorized
29 under the provisions of this section shall be deposited in a special trust fund and
30 shall be used solely by the transit authority for construction, purchase, lease,
31 maintenance and operation of transportation facilities located within the county
32 for so long as the tax shall remain in effect. Any funds in such special trust fund
33 which are not needed for current expenditures may be invested by the transit
34 authority in accordance with applicable laws relating to the investment of county
35 funds.

36 4. No transit authority imposing a sales tax pursuant to this section may
37 repeal or amend such sales tax unless such repeal or amendment is submitted to
38 and approved by the voters of the county in the same manner as provided in
39 subsection 1 of this section for approval of such tax. Whenever the governing
40 body of any county in which a sales tax has been imposed in the manner provided

41 by this section receives a petition, signed by ten percent of the registered voters
42 of such county voting in the last gubernatorial election, calling for an election to
43 repeal such sales tax, the governing body shall submit to the voters of such
44 county a proposal to repeal the sales tax imposed under the provisions of this
45 section. If a majority of the votes cast on the proposal by the registered voters
46 voting thereon are in favor of the proposal to repeal the sales tax, then such sales
47 tax is repealed **as provided by subsection 19 of section 32.087**. If a majority
48 of the votes cast by the registered voters voting thereon are opposed to the
49 proposal to repeal the sales tax, then such sales tax shall remain in effect.

50 5. The sales tax imposed under the provisions of this section shall impose
51 upon all sellers a tax for the privilege of engaging in the business of selling
52 tangible personal property or rendering taxable services at retail to the extent
53 and in the manner provided in sections 144.010 to 144.525 and the rules and
54 regulations of the director of revenue issued pursuant thereto; except that the
55 rate of the tax shall be the rate approved pursuant to this section. The amount
56 reported and returned to the director of revenue by the seller shall be computed
57 on the basis of the combined rate of the tax imposed by sections 144.010 to
58 144.525 and the tax imposed by this section, plus any amounts imposed under
59 other provisions of law.

60 6. After the effective date of any tax imposed under the provisions of this
61 section, the director of revenue shall perform all functions incident to the
62 administration, collection, enforcement, and operation of the tax, and the director
63 of revenue shall collect in addition to the sales tax for the state of Missouri the
64 additional tax authorized under the authority of this section. The tax imposed
65 under this section and the tax imposed under the sales tax law of the state of
66 Missouri shall be collected together and reported upon such forms and under such
67 administrative rules and regulations as may be prescribed by the director of
68 revenue. In order to permit sellers required to collect and report the sales tax to
69 collect the amount required to be reported and remitted, but not to change the
70 requirements of reporting or remitting tax or to serve as a levy of the tax, and in
71 order to avoid fractions of pennies, the applicable provisions of section 144.285
72 shall apply to all taxable transactions.

73 7. All applicable provisions contained in sections 144.010 to 144.525
74 governing the state sales tax and section 32.057, the uniform confidentiality
75 provision, shall apply to the collection of the tax imposed by this section, except
76 as modified in this section. All exemptions granted to agencies of government,

77 organizations, persons and to the sale of certain articles and items of tangible
78 personal property and taxable services under the provisions of sections 144.010
79 to 144.525 are hereby made applicable to the imposition and collection of the tax
80 imposed by this section. The same sales tax permit, exemption certificate and
81 retail certificate required by sections 144.010 to 144.525 for the administration
82 and collection of the state sales tax shall satisfy the requirements of this section,
83 and no additional permit or exemption certificate or retail certificate shall be
84 required; except that the director of revenue may prescribe a form of exemption
85 certificate for an exemption from the tax imposed by this section. All discounts
86 allowed the retailer under the provisions of the state sales tax law for the
87 collection of and for payment of taxes under chapter 144 are hereby allowed and
88 made applicable to any taxes collected under the provisions of this section. The
89 penalties provided in section 32.057 and sections 144.010 to 144.525 for a
90 violation of those sections are hereby made applicable to violations of this section.

91 8. [For the purposes of a sales tax imposed pursuant to this section, all
92 retail sales shall be deemed to be consummated at the place of business of the
93 retailer, except for tangible personal property sold which is delivered by the
94 retailer or his agent to an out-of-state destination or to a common carrier for
95 delivery to an out-of-state destination and except for the sale of motor vehicles,
96 trailers, boats and outboard motors, which is provided for in subsection 12 of this
97 section. In the event a retailer has more than one place of business in this state
98 which participates in the sale, the sale shall be deemed to be consummated at the
99 place of business of the retailer where the initial order for the tangible personal
100 property is taken, even though the order must be forwarded elsewhere for
101 acceptance, approval of credit, shipment or billing. A sale by a retailer's
102 employee shall be deemed to be consummated at the place of business from which
103 he works.

104 9.] All sales taxes collected by the director of revenue under this section
105 on behalf of any transit authority, less one percent for cost of collection which
106 shall be deposited in the state's general revenue fund after payment of premiums
107 for surety bonds as provided in this section, shall be deposited in the state
108 treasury in a special trust fund, which is hereby created, to be known as the
109 "County Transit Authority Sales Tax Trust Fund". The moneys in the county
110 transit authority sales tax trust fund shall not be deemed to be state funds and
111 shall not be commingled with any funds of the state. The director of revenue
112 shall keep accurate records of the amount of money in the trust fund which was

113 collected in each transit authority imposing a sales tax under this section, and
114 the records shall be open to the inspection of officers of the county and the
115 public. Not later than the tenth day of each month the director of revenue shall
116 distribute all moneys deposited in the trust fund during the preceding month to
117 the transit authority which levied the tax.

118 [10.] 9. The director of revenue may authorize the state treasurer to
119 make refunds from the amounts in the trust fund and credited to any transit
120 authority for erroneous payments and overpayments made, and may authorize the
121 state treasurer to redeem dishonored checks and drafts deposited to the credit of
122 such transit authorities. If any transit authority abolishes the tax, the transit
123 authority shall notify the director of revenue of the action [at least ninety days]
124 prior to the effective date of the repeal and the director of revenue may order
125 retention in the trust fund, for a period of one year, of two percent of the amount
126 collected after receipt of such notice to cover possible refunds or overpayment of
127 the tax and to redeem dishonored checks and drafts deposited to the credit of
128 such accounts. After one year has elapsed after the effective date of abolition of
129 the tax in such transit authority, the director of revenue shall authorize the state
130 treasurer to remit the balance in the account to the transit authority and close
131 the account of that transit authority. The director of revenue shall notify each
132 transit authority of each instance of any amount refunded or any check redeemed
133 from receipts due the transit authority. The director of revenue shall annually
134 report on his management of the trust fund and administration of the sales taxes
135 authorized by this section. He shall provide each transit authority imposing the
136 tax authorized by this section with a detailed accounting of the source of all funds
137 received by him for the transit authority.

138 [11.] 10. The director of revenue and any of his deputies, assistants and
139 employees who shall have any duties or responsibilities in connection with the
140 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
141 or recording of funds which come into the hands of the director of revenue under
142 the provisions of this section shall enter a surety bond or bonds payable to any
143 and all transit authorities in whose behalf such funds have been collected under
144 this section in the amount of one hundred thousand dollars; but the director of
145 revenue may enter into a blanket bond or bonds covering himself and all such
146 deputies, assistants and employees. The cost of the premium or premiums for the
147 surety bond or bonds shall be paid by the director of revenue from the share of
148 the collection retained by the director of revenue for the benefit of the state.

149 [12.] 11. Sales taxes imposed pursuant to this section and use taxes on
150 the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall
151 not be collected and remitted by the seller, but shall be collected by the director
152 of revenue at the time application is made for a certificate of title, if the address
153 of the applicant is within a county where a sales tax is imposed under this
154 section. The amounts so collected, less the one percent collection cost, shall be
155 deposited in the county transit authority sales tax trust fund. The purchase or
156 sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be
157 consummated at the address of the applicant. As used in this subsection, the
158 term "boat" shall only include motorboats and vessels as the terms "motorboat"
159 and "vessel" are defined in section 306.010.

160 [13.] 12. In any county where the transit authority sales tax has been
161 imposed, if any person is delinquent in the payment of the amount required to be
162 paid by him under this section or in the event a determination has been made
163 against him for taxes and penalty under this section, the limitation for bringing
164 suit for the collection of the delinquent tax and penalty shall be the same as that
165 provided in sections 144.010 to 144.525. Where the director of revenue has
166 determined that suit must be filed against any person for the collection of
167 delinquent taxes due the state under the state sales tax law, and where such
168 person is also delinquent in payment of taxes under this section, the director of
169 revenue shall notify the transit authority to which delinquent taxes are due
170 under this section by United States registered mail or certified mail at least ten
171 days before turning the case over to the attorney general. The transit authority,
172 acting through its attorney, may join in such suit as a party plaintiff to seek a
173 judgment for the delinquent taxes and penalty due such transit authority. In the
174 event any person fails or refuses to pay the amount of any sales tax due under
175 this section, the director of revenue shall promptly notify the transit authority to
176 which the tax would be due so that appropriate action may be taken by the
177 transit authority.

178 [14.] 13. Where property is seized by the director of revenue under the
179 provisions of any law authorizing seizure of the property of a taxpayer who is
180 delinquent in payment of the tax imposed by the state sales tax law, and where
181 such taxpayer is also delinquent in payment of any tax imposed by this section,
182 the director of revenue shall permit the transit authority to join in any sale of
183 property to pay the delinquent taxes and penalties due the state and to the
184 transit authority under this section. The proceeds from such sale shall first be

185 applied to all sums due the state, and the remainder, if any, shall be applied to
186 all sums due such transit authority under this section.

187 [15. The transit authority created under the provisions of sections 238.400
188 to 238.412 shall notify any and all affected businesses of the change in tax rate
189 caused by the imposition of the tax authorized by sections 238.400 to 238.412.

190 16.] 14. In the event that any transit authority in any county with a
191 charter form of government and with more than two hundred fifty thousand but
192 fewer than three hundred fifty thousand inhabitants submits a proposal in any
193 election to increase the sales tax under this section, and such proposal is
194 approved by the voters, the county shall be reimbursed for the costs of submitting
195 such proposal from the funds derived from the tax levied under this section.

196 **15. Except as provided in sections 238.400 to 238.412, all**
197 **provisions of sections 32.085 to 32.087 shall apply to the tax imposed**
198 **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.]

1 [67.1713. Beginning January 1, 2002, there is hereby
2 specifically exempted from the tax imposed pursuant to section
3 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.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

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

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

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

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

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

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

d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or

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

(d) The presumption in paragraph (c) may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or 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.]

[144.1015. In addition to the requirements of section
2 144.1012, the delegates should consider the following features
3 when deciding whether or not to enter into any streamlined sales
4 and use tax agreement:

5 (1) The agreement should address the limitation of the
6 number of state rates over time;

7 (2) The agreement should establish uniform standards for
8 administration of exempt sales and the form used for filing sales
9 and use tax returns and remittances;

10 (3) The agreement should require the state to provide a
11 central, electronic registration system that allows a seller to
12 register to collect and remit sales and use taxes for all signatory
13 states;

14 (4) The agreement should provide that registration with the
15 central registration system and the collection of sales and use taxes
16 in the signatory states will not be used as a factor in determining
17 whether the seller has nexus with a state for any tax;

18 (5) The agreement should provide for reduction of the
19 burdens of complying with local sales and use taxes through the
20 following so long as they do not conflict with the provisions of
21 section 144.1012:

22 (a) Restricting variances between the state and local tax
23 bases;

24 (b) Requiring states to administer any sales and use taxes
25 levied by local jurisdictions within the state so that sellers
26 collecting and remitting these taxes will not have to register or file
27 returns with, remit funds to, or be subject to independent audits

28 from local taxing jurisdictions;

29 (c) Restricting the frequency of changes in the local sales
30 and use tax rates and setting effective dates for the application of
31 local jurisdictional boundary changes to local sales and use taxes;
32 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, 2019.

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