

## SENATE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 255

## AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.071, 143.121, 143.441, 143.451, 143.461, 143.551, 144.010, 144.011, 144.014, 144.020, 144.030, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.757, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 148.064, 184.815, 184.845, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 221.407, 238.235, 238.410, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, 620.2475, and 644.032, RSMo, and to enact in lieu thereof one hundred nine new sections relating to taxation, with an effective date for certain sections and an emergency clause for a certain section, with penalty provisions.

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

1           Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525,  
2           67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,  
3           67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997,  
4           67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775,  
5           67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578,  
6           94.605, 94.660, 94.705, 143.011, 143.071, 143.121, 143.441,  
7           143.451, 143.461, 143.551, 144.010, 144.011, 144.014, 144.020,

1 144.030, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080,  
2 144.083, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526,  
3 144.600, 144.605, 144.655, 144.710, 144.757, 144.759, 144.761,  
4 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015,  
5 148.064, 184.815, 184.845, 208.431, 208.432, 208.433, 208.434,  
6 208.435, 208.436, 208.437, 221.407, 238.235, 238.410, 620.800,  
7 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020,  
8 620.2475, and 644.032, RSMo, are repealed and one hundred nine  
9 new sections enacted in lieu thereof, to be known as sections  
10 32.086, 32.087, 33.568, 66.620, 67.395, 67.525, 67.571, 67.576,  
11 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729,  
12 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303,  
13 67.1305, 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030,  
14 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011,  
15 143.071, 143.121, 143.441, 143.451, 143.461, 143.551, 143.980,  
16 144.010, 144.011, 144.014, 144.016, 144.020, 144.030, 144.043,  
17 144.049, 144.054, 144.060, 144.080, 144.083, 144.084, 144.109,  
18 144.123, 144.124, 144.140, 144.190, 144.210, 144.285, 144.526,  
19 144.600, 144.612, 144.655, 144.710, 144.752, 144.757, 144.759,  
20 144.761, 148.064, 184.815, 184.845, 208.431, 208.432, 208.433,  
21 208.434, 208.435, 208.436, 208.437, 208.438, 221.407, 238.235,  
22 238.410, 351.1400, 351.1403, 351.1409, 351.1412, 351.1415,  
23 351.1418, 351.1421, 351.1424, 351.1427, 351.1430, 351.1433,  
24 351.1435, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010,  
25 620.2020, 620.2475, and 644.032, to read as follows:

26 32.086. Notwithstanding any other provision of law, for all  
27 local sales and use taxes collected by the department and  
28 remitted to a political jurisdiction or taxing district, the

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

9       32.087. 1. Within ten days after the adoption of any  
10 ordinance or order in favor of adoption of any local sales tax  
11 authorized under the local sales tax law by the voters of a  
12 taxing entity, the governing body or official of such taxing  
13 entity shall forward to the director of revenue by United States  
14 registered mail or certified mail a certified copy of the  
15 ordinance or order. [The ordinance or order shall reflect the  
16 effective date thereof.]

17       2. Any local sales tax so adopted shall become effective  
18 [on the first day of the second calendar quarter after the  
19 director of revenue receives notice of adoption of the local  
20 sales tax, except] as provided in subsection [18] 19 of this  
21 section, and shall be imposed on all transactions on which the  
22 Missouri state sales tax is imposed.

23       3. (1) Every retailer within the jurisdiction of one or  
24 more taxing entities which has imposed one or more local sales  
25 taxes under the local sales tax law shall add all taxes so  
26 imposed along with the tax imposed by the sales tax law of the  
27 state of Missouri to the sale price and, when added, the combined  
28 tax shall constitute a part of the price, and shall be a debt of

1 the purchaser to the retailer until paid, and shall be  
2 recoverable at law in the same manner as the purchase price. The  
3 combined rate of the state sales tax and all local sales taxes  
4 shall be the sum of the rates, multiplying the combined rate  
5 times the amount of the sale.

6 (2) For all tax years beginning on or after January 1,  
7 2021, the total combined rate of sales taxes imposed under the  
8 local sales tax law shall not exceed the following amounts:

9 (a) For local sales taxes imposed under the local sales tax  
10 law by a taxing entity that is incorporated as a city, town, or  
11 village, four and one-half percent;

12 (b) For local sales taxes imposed under the local sales tax  
13 law by a county, excluding cities not within a county, three and  
14 one-fourth percent;

15 (c) For local sales taxes imposed under the local sales tax  
16 law by all taxing jurisdictions other than those described in  
17 paragraphs (a) and (b) of this subdivision, the total combined  
18 rate of sales taxes in any given taxing jurisdiction shall not  
19 exceed three and one-fourth percent. For the purposes of this  
20 paragraph, local sales taxes imposed by taxing entities described  
21 in paragraphs (a) and (b) of this subdivision, in a given taxing  
22 jurisdiction shall not be included in the calculation of the  
23 total combined rate of sales taxes under this paragraph.

24 (3) For the purposes of subdivision (2) of this subsection,  
25 no transient guest tax or convention and tourism tax shall be  
26 considered a local sales tax under the local sales tax law.

27 (4) In any election in which more than one sales tax levy  
28 is approved by the voters, and the passage of such levies results

1 in a combined rate of sales tax in excess of the limits provided  
2 for under subdivision (2) of this subsection, only the sales tax  
3 levy receiving the most votes shall be come effective, provided  
4 such levy does not result in a combined rate of sales tax in  
5 excess of the limits provided for under subdivision (2) of this  
6 subsection.

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

12 5.] (1) The ordinance or order imposing a local sales tax  
13 under the local sales tax law shall impose a tax upon all  
14 transactions upon which the Missouri state sales tax is imposed  
15 to the extent and in the manner provided in sections 144.010 to  
16 [144.525] 144.527, and the rules and regulations of the director  
17 of revenue issued pursuant thereto[; except that the rate of the  
18 tax shall be the sum of the combined rate of the state sales tax  
19 or state highway use tax and all local sales taxes imposed under  
20 the provisions of the local sales tax law].

21 (2) Notwithstanding any other provision of law to the  
22 contrary, local taxing jurisdictions, except those in which  
23 voters have approved a local use tax under section 144.757, shall  
24 have placed on the ballot on or after the general election in  
25 November 2014, but no later than the general election in November  
26 2022, whether to repeal application of the local sales tax to the  
27 titling of motor vehicles, trailers, boats, and outboard motors  
28 that are subject to state sales tax under section 144.020 and

1 purchased from a source other than a licensed Missouri dealer.  
2 The ballot question presented to the local voters shall contain  
3 substantially the following language:

4 Shall the \_\_\_\_\_ (local jurisdiction's name) discontinue  
5 applying and collecting the local sales tax on the titling of  
6 motor vehicles, trailers, boats, and outboard motors that were  
7 purchased from a source other than a licensed Missouri dealer?

8 Approval of this measure will result in a reduction of local  
9 revenue to provide for vital services for \_\_\_\_\_ (local  
10 jurisdiction's name) and it will place Missouri dealers of motor  
11 vehicles, outboard motors, boats, and trailers at a competitive  
12 disadvantage to non-Missouri dealers of motor vehicles, outboard  
13 motors, boats, and trailers.

14  YES  NO

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

18 (3) If the ballot question set forth in subdivision (2) of  
19 this subsection receives a majority of the votes cast in favor of  
20 the proposal, or if the local taxing jurisdiction fails to place  
21 the ballot question before the voters on or before the general  
22 election in November 2022, the local taxing jurisdiction shall  
23 cease applying the local sales tax to the titling of motor  
24 vehicles, trailers, boats, and outboard motors that were  
25 purchased from a source other than a licensed Missouri dealer.

26 (4) In addition to the requirement that the ballot question  
27 set forth in subdivision (2) of this subsection be placed before  
28 the voters, the governing body of any local taxing jurisdiction

1 that had previously imposed a local use tax on the use of motor  
2 vehicles, trailers, boats, and outboard motors may, at any time,  
3 place a proposal on the ballot at any election to repeal  
4 application of the local sales tax to the titling of motor  
5 vehicles, trailers, boats, and outboard motors purchased from a  
6 source other than a licensed Missouri dealer. If a majority of  
7 the votes cast by the registered voters voting thereon are in  
8 favor of the proposal to repeal application of the local sales  
9 tax to such titling, then the local sales tax shall no longer be  
10 applied to the titling of motor vehicles, trailers, boats, and  
11 outboard motors purchased from a source other than a licensed  
12 Missouri dealer. If a majority of the votes cast by the  
13 registered voters voting thereon are opposed to the proposal to  
14 repeal application of the local sales tax to such titling, such  
15 application shall remain in effect.

16 (5) In addition to the requirement that the ballot question  
17 set forth in subdivision (2) of this subsection be placed before  
18 the voters on or after the general election in November 2014, and  
19 on or before the general election in November 2022, whenever the  
20 governing body of any local taxing jurisdiction imposing a local  
21 sales tax on the sale of motor vehicles, trailers, boats, and  
22 outboard motors receives a petition, signed by fifteen percent of  
23 the registered voters of such jurisdiction voting in the last  
24 gubernatorial election, and calling for a proposal to be placed  
25 on the ballot at any election to repeal application of the local  
26 sales tax to the titling of motor vehicles, trailers, boats, and  
27 outboard motors purchased from a source other than a licensed  
28 Missouri dealer, the governing body shall submit to the voters of

1 such jurisdiction a proposal to repeal application of the local  
2 sales tax to such titling. If a majority of the votes cast by  
3 the registered voters voting thereon are in favor of the proposal  
4 to repeal application of the local sales tax to such titling,  
5 then the local sales tax shall no longer be applied to the  
6 titling of motor vehicles, trailers, boats, and outboard motors  
7 purchased from a source other than a licensed Missouri dealer.  
8 If a majority of the votes cast by the registered voters voting  
9 thereon are opposed to the proposal to repeal application of the  
10 local sales tax to such titling, such application shall remain in  
11 effect.

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

15 (7) If any local sales tax on the titling of motor  
16 vehicles, trailers, boats, and outboard motors purchased from a  
17 source other than a licensed Missouri dealer is repealed, such  
18 repeal shall take effect [on the first day of the second calendar  
19 quarter after the election] as provided in subsection 19 of this  
20 section. If any local sales tax on the titling of motor  
21 vehicles, trailers, boats, and outboard motors purchased from a  
22 source other than a licensed Missouri dealer is required to cease  
23 to be applied or collected due to failure of a local taxing  
24 jurisdiction to hold an election pursuant to subdivision (2) of  
25 this subsection, such cessation shall take effect on March 1,  
26 2023.

27 (8) Notwithstanding any provision of law to the contrary,  
28 if any local sales tax on the titling of motor vehicles,



1 trailers, boats, and outboard motors purchased from a source  
2 other than a licensed Missouri dealer is repealed after the  
3 general election in November 2014, or if the taxing jurisdiction  
4 failed to present the ballot to the voters at a general election  
5 on or before November 2022, then the governing body of such  
6 taxing jurisdiction may, at any election subsequent to the repeal  
7 or after the general election in November 2022, if the  
8 jurisdiction failed to present the ballot to the voters, place  
9 before the voters the issue of imposing a sales tax on the  
10 titling of motor vehicles, trailers, boats, and outboard motors  
11 that are subject to state sales tax under section 144.020 that  
12 were purchased from a source other than a licensed Missouri  
13 dealer. The ballot question presented to the local voters shall  
14 contain substantially the following language:

15 Shall the \_\_\_\_\_ (local jurisdiction's name) apply and  
16 collect the local sales tax on the titling of motor vehicles,  
17 trailers, boats, and outboard motors that are subject to state  
18 sales tax under section 144.020 and purchased from a source other  
19 than a licensed Missouri dealer?

20 Approval of this measure will result in an increase of local  
21 revenue to provide for vital services for \_\_\_\_\_ (local  
22 jurisdiction's name), and it will remove a competitive advantage  
23 that non-Missouri dealers of motor vehicles, outboard motors,  
24 boats, and trailers have over Missouri dealers of motor vehicles,  
25 outboard motors, boats, and trailers.

26  YES  NO

27 If you are in favor of the question, place an "X" in the box  
28 opposite "YES". If you are opposed to the question, place an "X"

1 in the box opposite "NO".

2 (9) If any local sales tax on the titling of motor  
3 vehicles, trailers, boats, and outboard motors purchased from a  
4 source other than a licensed Missouri dealer is adopted, such tax  
5 shall take effect and be imposed [on the first day of the second  
6 calendar quarter after the election] as provided in subsection 19  
7 of this section.

8 [6.] 5. On and after the effective date of any local sales  
9 tax imposed under the provisions of the local sales tax law, the  
10 director of revenue shall perform all functions incident to the  
11 administration, collection, enforcement, and operation of the  
12 tax, and the director of revenue shall collect in addition to the  
13 sales tax for the state of Missouri all additional local sales  
14 taxes authorized under the authority of the local sales tax law.  
15 All local sales taxes imposed under the local sales tax law  
16 together with all taxes imposed under the sales tax law of the  
17 state of Missouri shall be collected together and reported upon  
18 such forms and under such administrative rules and regulations as  
19 may be prescribed by the director of revenue.

20 [7.] 6. All applicable provisions contained in sections  
21 144.010 to [144.525] 144.527 governing the state sales tax and  
22 section 32.057, the uniform confidentiality provision, shall  
23 apply to the collection of any local sales tax imposed under the  
24 local sales tax law except as modified by the local sales tax  
25 law.

26 [8.] 7. All exemptions granted to agencies of government,  
27 organizations, persons and to the sale of certain articles and  
28 items of tangible personal property and taxable services under

1 the provisions of sections 144.010 to [144.525] 144.527, as these  
2 sections now read and as they may hereafter be amended, it being  
3 the intent of this general assembly to ensure that the same sales  
4 tax exemptions granted from the state sales tax law also be  
5 granted under the local sales tax law, are hereby made applicable  
6 to the imposition and collection of all local sales taxes imposed  
7 under the local sales tax law.

8 [9.] 8. The same sales tax permit, exemption certificate  
9 and retail certificate required by sections 144.010 to [144.525]  
10 144.527 for the administration and collection of the state sales  
11 tax shall satisfy the requirements of the local sales tax law,  
12 and no additional permit or exemption certificate or retail  
13 certificate shall be required; except that the director of  
14 revenue may prescribe a form of exemption certificate for an  
15 exemption from any local sales tax imposed by the local sales tax  
16 law.

17 [10.] 9. All discounts allowed the retailer under the  
18 provisions of the state sales tax law for the collection of and  
19 for payment of taxes under the provisions of the state sales tax  
20 law are hereby allowed and made applicable to any local sales tax  
21 collected under the provisions of the local sales tax law.

22 [11.] 10. The penalties provided in section 32.057 and  
23 sections 144.010 to [144.525] 144.527 for a violation of the  
24 provisions of those sections are hereby made applicable to  
25 violations of the provisions of the local sales tax law.

26 [12. (1)] 11. For the purposes of any local sales tax  
27 imposed by an ordinance or order under the local sales tax law,  
28 all sales, except the sale of motor vehicles, trailers, boats,

1 and outboard motors required to be titled under the laws of the  
2 state of Missouri, shall be deemed to be consummated at the place  
3 of business of the retailer unless the tangible personal property  
4 sold is delivered by the retailer or his agent to an out-of-state  
5 destination. In the event a retailer has more than one place of  
6 business in this state which participates in the sale, the sale  
7 shall be deemed to be consummated at the place of business of the  
8 retailer where the initial order for the tangible personal  
9 property is taken, even though the order must be forwarded  
10 elsewhere for acceptance, approval of credit, shipment or  
11 billing. A sale by a retailer's agent or employee shall be  
12 deemed to be consummated at the place of business from which he  
13 works.

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

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

28 [13.] 12. Local sales taxes shall not be imposed on the

1 seller of motor vehicles, trailers, boats, and outboard motors  
2 required to be titled under the laws of the state of Missouri,  
3 but shall be collected from the purchaser by the director of  
4 revenue at the time application is made for a certificate of  
5 title, if the address of the applicant is within a taxing entity  
6 imposing a local sales tax under the local sales tax law.

7 [14.] 13. The director of revenue and any of his deputies,  
8 assistants and employees who have any duties or responsibilities  
9 in connection with the collection, deposit, transfer,  
10 transmittal, disbursement, safekeeping, accounting, or recording  
11 of funds which come into the hands of the director of revenue  
12 under the provisions of the local sales tax law shall enter a  
13 surety bond or bonds payable to any and all taxing entities in  
14 whose behalf such funds have been collected under the local sales  
15 tax law in the amount of one hundred thousand dollars for each  
16 such tax; but the director of revenue may enter into a blanket  
17 bond covering himself and all such deputies, assistants and  
18 employees. The cost of any premium for such bonds shall be paid  
19 by the director of revenue from the share of the collections  
20 under the sales tax law retained by the director of revenue for  
21 the benefit of the state.

22 [15.] 14. The director of revenue shall annually report on  
23 his management of each trust fund which is created under the  
24 local sales tax law and administration of each local sales tax  
25 imposed under the local sales tax law. He shall provide each  
26 taxing entity imposing one or more local sales taxes authorized  
27 by the local sales tax law with a detailed accounting of the  
28 source of all funds received by him for the taxing entity.

1 Notwithstanding any other provisions of law, the state auditor  
2 shall annually audit each trust fund. A copy of the director's  
3 report and annual audit shall be forwarded to each taxing entity  
4 imposing one or more local sales taxes.

5 [16.] 15. Within the boundaries of any taxing entity where  
6 one or more local sales taxes have been imposed, if any person is  
7 delinquent in the payment of the amount required to be paid by  
8 him under the local sales tax law or in the event a determination  
9 has been made against him for taxes and penalty under the local  
10 sales tax law, the limitation for bringing suit for the  
11 collection of the delinquent tax and penalty shall be the same as  
12 that provided in sections 144.010 to [144.525] 144.527. Where  
13 the director of revenue has determined that suit must be filed  
14 against any person for the collection of delinquent taxes due the  
15 state under the state sales tax law, and where such person is  
16 also delinquent in payment of taxes under the local sales tax  
17 law, the director of revenue shall notify the taxing entity in  
18 the event any person fails or refuses to pay the amount of any  
19 local sales tax due so that appropriate action may be taken by  
20 the taxing entity.

21 [17.] 16. Where property is seized by the director of  
22 revenue under the provisions of any law authorizing seizure of  
23 the property of a taxpayer who is delinquent in payment of the  
24 tax imposed by the state sales tax law, and where such taxpayer  
25 is also delinquent in payment of any tax imposed by the local  
26 sales tax law, the director of revenue shall permit the taxing  
27 entity to join in any sale of property to pay the delinquent  
28 taxes and penalties due the state and to the taxing entity under

1 the local sales tax law. The proceeds from such sale shall first  
2 be applied to all sums due the state, and the remainder, if any,  
3 shall be applied to all sums due such taxing entity.

4 [18.] 17. If a local sales tax has been in effect for at  
5 least one year under the provisions of the local sales tax law  
6 and voters approve reimposition of the same local sales tax at  
7 the same rate at an election as provided for in the local sales  
8 tax law prior to the date such tax is due to expire, the tax so  
9 reimposed shall become effective [the first day of the first  
10 calendar quarter after the director receives a certified copy of  
11 the ordinance, order or resolution accompanied by a map clearly  
12 showing the boundaries thereof and the results of such election,  
13 provided that such ordinance, order or resolution and all  
14 necessary accompanying materials are received by the director at  
15 least thirty days prior to the expiration of such tax. Any  
16 administrative cost or expense incurred by the state as a result  
17 of the provisions of this subsection shall be paid by the city or  
18 county reimposing such tax] as provided by subsection 19 of this  
19 section.

20 18. If the boundaries of a city in which a sales tax has  
21 been imposed shall thereafter be changed or altered, the city  
22 clerk shall forward to the director of revenue by United States  
23 registered mail or certified mail a certified copy of the  
24 ordinance adding or detaching territory from the city within ten  
25 days of adoption of the ordinance. The ordinance shall reflect  
26 the effective date of the ordinance and shall be accompanied by a  
27 map of the city clearly showing the territory added or detached  
28 from the city boundaries. Upon receipt of the ordinance and map,

1 the tax imposed under the local sales tax law shall be effective  
2 in the added territory or abolished in the detached territory on  
3 the first day of a calendar quarter after one hundred twenty  
4 days' notice to sellers.

5 19. (1) The effective date for the imposition, repeal, or  
6 rate change of each local sales and use tax is the first day of  
7 the calendar quarter after a minimum of one hundred twenty days'  
8 notice to sellers. In all cases where notice is required to be  
9 made to the director of revenue by a local taxing jurisdiction,  
10 such notice shall be made at least one hundred twenty days prior  
11 to the effective date for the imposition, repeal, or rate change  
12 of a local sales and use tax.

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

17 20. (1) If a sales or use tax rate is increased, the new  
18 rate shall apply to the first billing period starting on or after  
19 the effective date of the increase;

20 (2) If a sales or use tax rate is decreased, the new rate  
21 shall apply to bills rendered on or after the effective date of  
22 the decrease.

23 33.568. 1. There is hereby established within the state  
24 treasury a fund to be known as the "State Disaster and Emergency  
25 Fund", which shall consist of moneys collected under subsection 5  
26 of this section. Funds in the state disaster and emergency fund  
27 shall be invested by the treasurer in the same manner as other  
28 state funds are invested. Interest earned on such investments



1 shall be credited to the state disaster and emergency fund.  
2 Notwithstanding the provisions of section 33.080 to the contrary,  
3 any moneys remaining in the fund at the end of the biennium shall  
4 not revert to the credit of the general revenue fund.

5 2. (1) In any fiscal year in which the governor reduces  
6 the expenditures of the state or any of its agencies below their  
7 appropriations in accordance with article IV, section 27 of the  
8 Constitution of Missouri, or in which there is a budget need due  
9 to a disaster, as proclaimed under subdivision (2) of this  
10 subsection, the general assembly may appropriate funds from the  
11 state disaster and emergency fund to fulfill the expenditures  
12 authorized by any of the existing appropriations which were  
13 affected by the governor's decision to reduce expenditures  
14 pursuant to article IV, section 27 of the Constitution of  
15 Missouri or to meet budget needs due to the disaster.

16 (2) A disaster may be declared for the purposes of  
17 authorizing an appropriation from the state disaster and  
18 emergency fund solely by:

19 (a) A proclamation by the governor; or

20 (b) A two-thirds vote of the members elected to each house  
21 of the general assembly.

22 3. There is hereby established within the state treasury a  
23 fund to be known as the "Local Disaster and Emergency Fund",  
24 which shall consist of moneys collected under subsection 5 of  
25 this section. Funds in the local disaster and emergency fund  
26 shall be invested by the treasurer in the same manner as other  
27 state funds are invested. Interest earned on such investments  
28 shall be credited to the local disaster and emergency fund.

1 Notwithstanding the provisions of section 33.080 to the contrary,  
2 any moneys remaining in the fund at the end of the biennium shall  
3 not revert to the credit of the general revenue fund.

4 4. (1) Upon a declaration of a disaster under subdivision  
5 (2) of subsection 2 of this section, counties, cities, and other  
6 municipalities in this state may apply to the department of  
7 public safety, or any successor agency, to receive grants from  
8 the local disaster and emergency fund. The department may issue  
9 a grant with the approval of the governor if such grant request  
10 does not exceed the lesser of ten million dollars or five percent  
11 of the balance of the local disaster and emergency fund.

12 (2) If a grant request made under subdivision (1) of this  
13 subsection exceeds the lesser of ten million dollars or five  
14 percent of the balance of the local disaster and emergency fund,  
15 the department may only issue such grant with an appropriation  
16 made from the state disaster and emergency fund with the approval  
17 of a majority vote of the members elected to each house of the  
18 general assembly.

19 5. Twenty-five percent of the moneys transferred pursuant  
20 to the provisions of subdivision (7) of section 144.612 shall be  
21 deposited in the local disaster and emergency fund established  
22 under subsection 3 of this section and shall stand appropriated  
23 without further legislative action to the department of public  
24 safety solely for the purpose of providing grants under  
25 subsection 4 of this section, and seventy-five percent of the  
26 moneys the provisions of subdivision (7) of section 144.612 shall  
27 be deposited in the state disaster and emergency fund established  
28 under subsection 1 of this section.

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

23           2. In any county not adopting an additional sales tax and  
24 alternate distribution system as provided in section 67.581, for  
25 the purposes of distributing the county sales tax, the county  
26 shall be divided into two groups, "Group A" and "Group B". Group  
27 A shall consist of all cities, towns and villages which are  
28 located wholly or partly within the county which levied the tax

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

27 3. Until January 1, 1994, the director of revenue shall  
28 distribute to the cities, towns and villages in group A the taxes

1 based on the location in which the sales were deemed consummated  
2 under section 66.630 and subsection 12 of section 32.087. Except  
3 for distribution governed by section 66.630, after deducting the  
4 distribution to the cities, towns and villages in group A, the  
5 director of revenue shall distribute the remaining funds in the  
6 county sales tax trust fund to the cities, towns and villages and  
7 the county in group B as follows: to the county which levied the  
8 tax, a percentage of the distributable revenue equal to the  
9 percentage ratio that the population of the unincorporated areas  
10 of the county bears to the total population of group B; and to  
11 each city, town or village in group B located wholly within the  
12 taxing county, a percentage of the distributable revenue equal to  
13 the percentage ratio that the population of such city, town or  
14 village bears to the total population of group B; and to each  
15 city, town or village located partly within the taxing county, a  
16 percentage of the distributable revenue equal to the percentage  
17 ratio that the population of that part of the city, town or  
18 village located within the taxing county bears to the total  
19 population of group B.

20 4. From January 1, 1994, until December 31, 2016, the  
21 director of revenue shall distribute to the cities, towns and  
22 villages in group A a portion of the taxes based on the location  
23 in which the sales were deemed consummated under section 66.630  
24 and subsection 12 of section 32.087 in accordance with the  
25 formula described in this subsection and in subsection 6. After  
26 deducting the distribution to the cities, towns and villages in  
27 group A, the director of revenue shall distribute funds in the  
28 county sales tax trust fund to the cities, towns and villages and

1 the county in group B as follows: to the county which levied the  
2 tax, ten percent multiplied by the percentage of the population  
3 of unincorporated county which has been annexed or incorporated  
4 since April 1, 1993, multiplied by the total of all sales tax  
5 revenues countywide, and a percentage of the remaining  
6 distributable revenue equal to the percentage ratio that the  
7 population of unincorporated areas of the county bears to the  
8 total population of group B; and to each city, town or village in  
9 group B located wholly within the taxing county, a percentage of  
10 the remaining distributable revenue equal to the percentage ratio  
11 that the population of such city, town or village bears to the  
12 total population of group B; and to each city, town or village  
13 located partly within the taxing county, a percentage of the  
14 remaining distributable revenue equal to the percentage ratio  
15 that the population of that part of the city, town or village  
16 located within the taxing county bears to the total population of  
17 group B.

18 5. (1) From and after January 1, 2017, in each year in  
19 which the total revenues from the county sales tax collected  
20 under sections 66.600 to 66.630 in the previous calendar year are  
21 less than or equal to the amount of such revenues which were  
22 collected in the calendar year 2014, the director of revenue  
23 shall distribute to the cities, towns, and villages in group A  
24 and the cities, towns, and villages, and the county in group B,  
25 the amounts required to be distributed under the formula  
26 described in subsection 4 and in subsection 6 of this section.  
27 From and after January 1, 2017, in each year in which the total  
28 revenues from the county sales tax collected under sections

1 66.600 to 66.630 in the previous calendar year is greater than  
2 the amount of such revenues which were collected in the calendar  
3 year 2014, the director of revenue shall distribute to the  
4 cities, towns, and villages in group A a portion of the taxes  
5 based on the location in which the sales were deemed consummated  
6 under section 66.630 and subsection 12 of section 32.087, in  
7 accordance with the formula described in this subsection and in  
8 subsection 6. After deducting the distribution to the cities,  
9 towns, and villages in group A, the director of revenue shall,  
10 subject to the limitation described in subdivision (2) of this  
11 subsection, distribute funds in the county sales tax trust fund  
12 to the cities, towns, and villages, and the county in group B as  
13 follows: to the county which levied the tax, ten percent  
14 multiplied by the percentage of the population of unincorporated  
15 county which has been annexed or incorporated since April 1,  
16 1993, multiplied by the total of all sales tax revenues  
17 countywide, and a percentage of the remaining distributable  
18 revenue equal to the percentage ratio that the population of  
19 unincorporated areas of the county bears to the total population  
20 of group B as adjusted such that no city, town, or village in  
21 group B shall receive a distribution that is less than fifty  
22 percent of the amount of taxes generated within such city, town,  
23 or village based on the location in which the sales were deemed  
24 consummated under section 66.630 and subsection 12 of section  
25 32.087; and to each city, town, or village in group B located  
26 wholly within the taxing county, a percentage of the remaining  
27 distributable revenue equal to the percentage ratio that the  
28 population of such city, town, or village bears to the total

1 population of group B, as adjusted such that no city, town, or  
2 village in group B shall receive a distribution that is less than  
3 fifty percent of the amount of taxes generated within such city,  
4 town, or village based on the location in which the sales were  
5 deemed consummated under section 66.630 and subsection 12 of  
6 section 32.087; and to each city, town, or village located partly  
7 within the taxing county, a percentage of the remaining  
8 distributable revenue equal to the percentage ratio that the  
9 population of that part of the city, town, or village located  
10 within the taxing county bears to the total population of group  
11 B, as adjusted such that no city, town, or village in group B  
12 shall receive a distribution that is less than fifty percent of  
13 the amount of taxes generated within such city, town, or village  
14 based on the location in which the sales were deemed consummated  
15 under section 66.630 and subsection 12 of section 32.087.

16 (2) For purposes of making any adjustment required by this  
17 subsection, the director of revenue shall, prior to any  
18 distribution to the county or to each city, town, or village in  
19 group B located wholly or partly within the taxing county,  
20 identify each city, town, or village in group B located wholly or  
21 partly within the taxing county that would receive a distribution  
22 that is less than fifty percent of the amount of taxes generated  
23 within such city, town, or village based on the location in which  
24 the sales were deemed consummated under section 66.630 and  
25 subsection 12 of section 32.087 if no adjustments were made and  
26 calculate the difference between the amount that the distribution  
27 to each such city, town, or village would have been without any  
28 adjustment and the amount that equals fifty percent of the amount



1 of taxes generated within such city, town, or village based on  
2 the location in which the sales were deemed consummated under  
3 section 66.630 and subsection 12 of section 32.087. Thereafter,  
4 the director of revenue shall determine the amount of any  
5 adjustment under this subsection as follows:

6 (a) If the aggregate amount of the difference calculated in  
7 accordance with this subsection is less than or equal to the  
8 aggregate increase in the remaining distributable revenue for the  
9 applicable period in the current calendar year over the remaining  
10 distributable revenue for the corresponding period in the  
11 calendar year 2014, the director of revenue shall deduct the  
12 amount of such difference from the remaining distributable  
13 revenue and distribute an allocable portion of the amount of such  
14 difference to each city, town, or village that would otherwise  
15 have received a distribution that is less than fifty percent of  
16 the amount of taxes generated within such city, town, or village  
17 based on the location in which the sales were deemed consummated  
18 under section 66.630 and subsection 12 of section 32.087 if no  
19 adjustment were made, such that each such city, town, or village  
20 receives a distribution that is equal to fifty percent of the  
21 amount of taxes generated within such city, town, or village  
22 based on the location in which the sales were deemed consummated  
23 under section 66.630 and subsection 12 of section 32.087;

24 (b) If, however, the aggregate amount of the difference  
25 calculated in accordance with this subsection is greater than the  
26 aggregate increase in the remaining distributable revenue for the  
27 applicable period in the current calendar year over the remaining  
28 distributable revenue for the corresponding period in the

1 calendar year 2014, the director of revenue shall deduct from the  
2 remaining distributable revenue an amount equal to the difference  
3 between the remaining distributable revenue for the applicable  
4 period in the current calendar year and the remaining  
5 distributable revenue for the corresponding period in the  
6 calendar year 2014 and distribute an allocable portion of the  
7 amount of such difference to each city, town, or village that  
8 would otherwise have received a distribution that is less than  
9 fifty percent of the amount of taxes generated within such city,  
10 town, or village based on the location in which the sales were  
11 deemed consummated under section 66.630 and subsection 12 of  
12 section 32.087 if no adjustment were made, such that each such  
13 city, town, or village receives a distribution that includes an  
14 adjustment that is proportionate to the amount of the adjustment  
15 that would otherwise have been made if such adjustment were  
16 calculated in accordance with paragraph (a) of this subdivision;

17 (c) After determining the amount of the adjustment and  
18 making the allocation in accordance with paragraph (a) or (b) of  
19 this subdivision, as applicable, the director of revenue shall  
20 thereafter distribute the remaining distributable revenue, as  
21 adjusted, to the county and to each city, town, or village in  
22 group B located wholly or partly within the taxing county in the  
23 manner provided in this subsection.

24 (3) For purposes of this subsection, if a city, town, or  
25 village is partly in group A and partly in group B, the director  
26 of revenue shall calculate fifty percent of the amount of taxes  
27 generated within such city, town, or village based on the  
28 location in which the sales were deemed consummated under section

1 66.630 and subsection 12 of section 32.087 by multiplying fifty  
2 percent by the amount of all county sales taxes collected by the  
3 director of revenue under sections 66.600 to 66.630, less one  
4 percent for cost of collection, that are generated within such  
5 city, town, or village based on the location in which the sales  
6 were deemed consummated under section 66.630 and subsection 12 of  
7 section 32.087, regardless of whether such taxes are deemed  
8 consummated in group A or group B.

9 6. (1) For purposes of administering the distribution  
10 formula of subsections 4 and 5 of this section, the revenues  
11 arising each year from sales occurring within each group A city,  
12 town or village shall be distributed as follows: until such  
13 revenues reach the adjusted county average, as hereinafter  
14 defined, there shall be distributed to the city, town or village  
15 all of such revenues reduced by the percentage which is equal to  
16 ten percent multiplied by the percentage of the population of  
17 unincorporated county which has been annexed or incorporated  
18 after April 1, 1993; and once revenues exceed the adjusted county  
19 average, total revenues shall be shared in accordance with the  
20 redistribution formula as defined in this subsection.

21 (2) For purposes of this subsection, the "adjusted county  
22 average" is the per capita countywide average of all sales tax  
23 distributions during the prior calendar year reduced by the  
24 percentage which is equal to ten percent multiplied by the  
25 percentage of the population of unincorporated county which has  
26 been annexed or incorporated after April 1, 1993; the  
27 redistribution formula is as follows: during 1994, each group A  
28 city, town and village shall receive that portion of the revenues

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

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

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

25 (4) Notwithstanding any other provision of this section,  
26 the fifty percent of additional sales taxes as described in  
27 section 99.845 arising from economic activities within the area  
28 of a redevelopment project established after July 12, 1990,

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

1 obligations under any agreement authorized by chapter 100,  
2 entered into or adopted prior to September 1, 1993, between a  
3 municipality and another public body. The cumulative amount of  
4 economic development funds allowed under this provision shall not  
5 exceed the total amount necessary to amortize the obligations  
6 involved.

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

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



1 notification to the director of revenue. Once a group A city,  
2 town or village becomes a part of group B, such city may not  
3 transfer back to group A.

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

1 accordance with the provisions of this section on the effective  
2 date of the incorporation.

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

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

25 67.395. 1. All sales taxes collected by the director of  
26 revenue under sections 67.391 to 67.395 on behalf of any county[,  
27 less one percent for cost of collection which shall be deposited  
28 in the state's general revenue fund after payment of premiums for

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

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

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

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

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

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

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

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

27 67.571. 1. The governing body of any county of the first  
28 classification with a population of more than eighty-two thousand

1 inhabitants and less than ninety thousand inhabitants may, in  
2 addition to any tourism sales tax imposed pursuant to sections  
3 67.671 to 67.685, by a majority vote, impose a sales tax on all  
4 retail sales made in the county which are subject to sales tax  
5 under sections 144.010 to 144.527 for the funding of museums and  
6 festivals. For purposes of this section, the term "funding of  
7 museums and festivals" shall mean:

8 (1) Funding of museums operating in the county, which are  
9 registered with the United States Internal Revenue Service as a  
10 501(C) (3) corporation and which are considered by the board to be  
11 tourism attractions; and

12 (2) Funding of organizations that are registered as  
13 501(C) (3) corporations which promote cultural heritage tourism  
14 including festivals and the arts.

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

18 Shall the county of \_\_\_\_\_ (insert the name of the county)  
19 impose a sales tax of \_\_\_\_\_ (insert rate of percent) percent to  
20 be used to fund (museums, cultural heritage, festivals) in  
21 certain areas of the county?

22  YES  NO

23 3. If a majority of the votes cast on the proposal by the  
24 qualified voters voting thereon are in favor of the proposal, and  
25 the tax takes effect pursuant to this section, the museums and  
26 festivals board appointed pursuant to subsection 5 of this  
27 section shall determine in what manner the tax revenue moneys  
28 will be expended, and disbursements of these moneys shall be made

1 strictly in accordance with directions of the board which are  
2 consistent with the provisions of sections 67.571 to 67.577.  
3 Expenditures of these tax moneys may be made for the employment  
4 of personnel selected by the board to assist in carrying out the  
5 duties of the board, and the board is expressly authorized to  
6 employ such personnel. Expenditures of these tax moneys may be  
7 made directly to corporations pursuant to subsection 1 of this  
8 section. No such tax revenue moneys shall be disbursed to or on  
9 behalf of any corporation, organization or entity that is not  
10 duly registered with the Internal Revenue Service as a 501(C)(3)  
11 organization.

12 4. Any sales tax imposed pursuant to this section shall be  
13 imposed at a rate not to exceed two-tenths of one percent on  
14 receipts from the sale of certain tangible personal property or  
15 taxable services within the county pursuant to sections 67.571 to  
16 67.577.

17 5. The governing body of any county which imposes a sales  
18 tax pursuant to this section may establish a museums and  
19 festivals board for the purpose of expending funds collected from  
20 any sales tax submitted and approved by the county's voters  
21 pursuant to this section. The board shall be comprised of six  
22 members who are appointed by the governing body of the county  
23 from a list of candidates supplied by the chair of each of the  
24 two major political parties of the county. The board shall be  
25 comprised of three members from each of the two political  
26 parties. Members shall serve for three-year terms, but of the  
27 members first appointed, one shall be appointed for a term of one  
28 year, two shall be appointed for a term of two years, and two

1 shall be appointed for a term of three years. Each member shall  
2 be a resident of the county from which he or she is appointed.  
3 The members of the board shall not receive compensation for  
4 service on the board, but shall be reimbursed from the tax  
5 revenue money for any reasonable and necessary expenses incurred  
6 in service on the board.

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

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

25 8. Except as modified in this section, all provisions of  
26 sections 32.085 to 32.087 shall apply to the tax imposed under  
27 this section.

28 67.576. 1. The following provisions shall govern the



1 collection of the tax imposed by the provisions of sections  
2 67.571 to 67.577:

3 (1) All applicable provisions contained in sections 144.010  
4 to 144.510 governing the state sales tax and section 32.057, the  
5 uniform confidentiality provision, shall apply to the collection  
6 of the tax imposed by the provisions of sections 67.571 to  
7 67.577;

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

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

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

25 4. The penalties provided in section 32.057 and sections  
26 144.010 to 144.510 for a violation of those acts are hereby made  
27 applicable to violations of the provisions of sections 67.571 to  
28 67.577.

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

7           67.578. 1. The governing authority of any county of the  
8 third classification without a township form of government and  
9 with more than sixteen thousand four hundred but less than  
10 sixteen thousand five hundred inhabitants may impose a sales tax  
11 in an amount not to exceed one-fifth of one percent on all retail  
12 sales made in the county which are subject to taxation pursuant  
13 to sections 144.010 to [144.525] 144.527, to be used solely for  
14 the funding of museums. For purposes of this section, the term  
15 "museums" means museums operating in the county, which are  
16 registered with the United States Internal Revenue Service as a  
17 501(c)(3) corporation and which are considered by the board to be  
18 a tourism attraction. The tax authorized by this section shall  
19 be in addition to any and all other sales taxes allowed by law,  
20 except that no sales tax shall be imposed pursuant to this  
21 section unless the governing authority submits to the voters of  
22 the county, at a county or state general, primary, or special  
23 election, a proposal to authorize the governing authority to  
24 impose the tax.

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

27           Shall the county of \_\_\_\_\_ (insert the name of the county)  
28 impose a sales tax of \_\_\_\_\_ (insert rate of percent) percent for

1 the funding of museums? "Museums" means museums operating in the  
2 county, which are registered with the United States Internal  
3 Revenue Service as a 501(c)(3) corporation and which are  
4 considered by the museum board to be a tourism attraction.

5  YES  NO

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

9  
10 If a majority of the votes cast on the proposal by the qualified  
11 voters voting thereon are in favor of the proposal, then the  
12 sales tax shall become effective [on the first day of the second  
13 calendar quarter after the director of revenue receives notice of  
14 the adoption of the tax] as provided by subsection 19 of section  
15 32.087. If the proposal receives less than the required majority  
16 of votes, then the governing authority shall have no power to  
17 impose the tax unless and until the governing authority has again  
18 submitted another proposal to authorize the governing authority  
19 to impose the sales tax authorized by this section and such  
20 proposal is approved by the required majority of the qualified  
21 voters voting thereon.

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

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

16 4. All applicable provisions in sections 144.010 to  
17 [144.525] 144.527 governing the state sales tax, and section  
18 32.057, the uniform confidentiality provision, shall apply to the  
19 collection of the tax, and all exemptions granted to agencies of  
20 government, organizations, and persons pursuant to sections  
21 144.010 to [144.525] 144.527 are hereby made applicable to the  
22 imposition and collection of the tax. The same sales tax permit,  
23 exemption certificate, and retail certificate required by  
24 sections 144.010 to [144.525] 144.527 for the administration and  
25 collection of the state sales tax shall satisfy the requirements  
26 of this section, and no additional permit or exemption  
27 certificate or retail certificate shall be required; except that,  
28 the director of revenue may prescribe a form of exemption

1 certificate for an exemption from the tax. All discounts allowed  
2 the retailer pursuant to the state sales tax law for the  
3 collection of and for payment of taxes are hereby allowed and  
4 made applicable to the tax. The penalties for violations  
5 provided in section 32.057 and sections 144.010 to ~~[144.525]~~  
6 144.527 are hereby made applicable to violations of this section.  
7 If any person is delinquent in the payment of the amount required  
8 to be paid pursuant to this section, or in the event a  
9 determination has been made against the person for taxes and  
10 penalty pursuant to this section, the limitation for bringing  
11 suit for the collection of the delinquent tax and penalty shall  
12 be the same as that provided in sections 144.010 to ~~[144.525]~~  
13 144.527.

14 5. The governing authority may authorize any museum board  
15 already existing in the county, or may establish a museum board,  
16 to expend revenue collected pursuant to this section. In the  
17 event that no museum board already exists, the board established  
18 pursuant to this section shall consist of six members who are  
19 appointed by the governing authority from a list of candidates  
20 supplied by the chair of each of the two major political parties  
21 of the county, with three members from each of the two parties.  
22 Members shall serve for three-year terms, but of the members  
23 first appointed, ~~[one]~~ two shall be appointed for a term of one  
24 year, two shall be appointed for a term of two years, and two  
25 shall be appointed for a term of three years. Each member shall  
26 be a resident of the county. The members shall not receive  
27 compensation for service on the board, but shall be reimbursed  
28 from the revenues collected pursuant to this section for any

1 reasonable and necessary expenses incurred in service on the  
2 board. The board shall determine in what manner the revenues  
3 will be expended, and disbursements of these moneys shall be made  
4 strictly in accordance with this section. Expenditures may be  
5 made for the employment of personnel selected by the board to  
6 assist in carrying out the duties of the board, and the board is  
7 expressly authorized to employ such personnel.

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

12 Shall the county of \_\_\_\_\_ (insert name of county) repeal  
13 the sales tax of \_\_\_\_\_ (insert rate of percent) percent for the  
14 funding of museums?

15  YES  NO

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

19  
20 [If a majority of the votes cast on the proposal are in favor of  
21 repeal, that repeal shall become effective on December  
22 thirty-first of the calendar year in which the repeal was  
23 approved.]

24 67.581. 1. In addition to the sales tax permitted by  
25 sections 66.600 to 66.630, any county of the first class having a  
26 charter form of government and having a population of nine  
27 hundred thousand or more may impose an additional countywide  
28 sales tax on all retail sales made in the county which are

1 subject to sales tax under sections 144.010 to 144.527 upon  
2 approval by a vote of the qualified voters of the county. The  
3 proposal may be submitted to the voters by the governing body of  
4 the county and shall be submitted to the voters at the next  
5 general election upon petitions signed by a number of qualified  
6 voters residing in the county equal to at least eight percent of  
7 the votes cast in the county in the next preceding gubernatorial  
8 election filed with the governing body of the county. The  
9 submission shall include the levying of a sales tax at a rate of  
10 not to exceed two hundred seventy-five one-thousandths of one  
11 percent on the receipts from the sale at retail of all tangible  
12 personal property or taxable services within the county which are  
13 also taxable under the provisions of sections 66.600 to 66.630,  
14 and shall provide for the distribution of the proceeds in the  
15 manner provided in either subsection 4 or subsection 5 of this  
16 section. If either of the alternative distribution systems as  
17 provided in subsection 4 or subsection 5 of this section is  
18 approved by the voters, then the alternative system of  
19 distribution may not be submitted to the voters for at least  
20 three years from the date of such voter approval.

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

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

27  YES  NO

28

1 If a majority of the votes cast on the proposal by the qualified  
2 voters voting thereon are in favor of the proposal, the  
3 additional sales tax shall be levied and collected and the  
4 proceeds from the additional tax shall be distributed as provided  
5 in either subsection 4 or subsection 5 of this section. If a  
6 majority of the votes cast by the qualified voters voting thereon  
7 are opposed to the proposal, then the governing body of the  
8 county shall have no power to impose the additional sales tax  
9 authorized by this section unless and until a proposal for the  
10 levy of such tax is submitted to and approved by the voters of  
11 the county.

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

17 4. In any county adopting an additional sales tax pursuant  
18 to the provisions of this section, and selecting the method of  
19 distribution provided in this subsection, the proceeds from the  
20 sales tax imposed pursuant to this section, less one percent  
21 collection cost, shall be distributed first to those  
22 municipalities that did not receive during the preceding calendar  
23 year ninety-five percent of the amount the municipality would  
24 have received by multiplying the population of the municipality  
25 by the average per capita sales tax receipt for such county in an  
26 amount which will bring each municipality receipt of sales tax  
27 moneys up to ninety-five percent of the average per capita  
28 receipts from the proceeds of the sales tax imposed pursuant to



1 sections 66.600 to 66.630. Any remainder of the money received  
2 from the sales tax imposed pursuant to this section shall be  
3 distributed to all municipalities on the ratio that the  
4 population of each municipality bears to the total population of  
5 the county. The average per capita sales tax distribution shall  
6 be calculated by dividing the sum of the total sales tax revenue  
7 derived from the tax imposed pursuant to sections 66.600 to  
8 66.630 by the total population of the county. Population of each  
9 municipality, of the unincorporated area of the county, and the  
10 total population of the county shall be determined on the basis  
11 of the most recent federal decennial census. For the purposes of  
12 this subsection, any city, town, village or the unincorporated  
13 area of the county shall be considered a municipality.

14 5. In any county adopting an additional sales tax pursuant  
15 to the provisions of this section and selecting the method of  
16 distribution provided in this subsection, the proceeds from the  
17 sales tax imposed pursuant to this section, less one percent  
18 collection cost, shall be distributed to all cities, towns and  
19 villages, and the unincorporated areas of the county in group B  
20 and to such cities, towns and villages in group A as necessary so  
21 that no city, town, or village in group A receives from the  
22 combined proceeds of both the sales tax imposed pursuant to this  
23 section and the sales tax imposed pursuant to sections 66.600 to  
24 66.630, less than the per capita amount received by the cities,  
25 towns and villages and the unincorporated area of the county in  
26 group B receives from the total proceeds from both sales taxes.

27 6. The governing body of any county which is imposing a  
28 sales tax under the provisions of sections 66.600 to 66.630 may

1 on its own motion and shall, upon petitions filed with the  
2 governing body of the county signed by a number of qualified  
3 voters residing in the county equal to at least eight percent of  
4 the votes cast in the county at the next preceding gubernatorial  
5 election, submit to the qualified voters of the county a proposal  
6 to change the method of distribution of sales tax proceeds from  
7 the manner provided in subsection 2 of section 66.620 to the  
8 method provided in this subsection. The ballot of submission  
9 shall be in substantially the following form:

10           Shall the proceeds from the county sales tax be distributed  
11 among the county of \_\_\_\_\_ and the various cities, towns and  
12 villages therein in the manner provided in subdivisions (1) and  
13 (2) of subsection 6 of section 67.581, RSMo, in lieu of the  
14 present manner of distribution?

15                    YES                    NO

16  
17 If a majority of the votes cast on the proposal by the qualified  
18 voters of the county voting thereon are in favor of the proposal,  
19 the sales tax imposed by the county under the provisions of  
20 sections 66.600 to 66.630 shall be distributed in the manner  
21 provided in this subsection and not in the manner provided in  
22 subsection 2 of section 66.620. If a majority of the votes cast  
23 by the qualified voters of the county voting thereon are opposed  
24 to the proposal, then the governing body of the county shall have  
25 no power to order the proceeds from the sales tax imposed  
26 pursuant to the provisions of sections 66.600 to 66.630 in the  
27 manner provided in this subsection in lieu of the method provided  
28 in subsection 2 of section 66.620, unless and until a proposal

1 authorizing such method of distribution is submitted to and  
2 approved by the voters of the county. If the voters approve the  
3 change in the method of distribution of the sales tax proceeds in  
4 the manner provided in this subsection, the county clerk of the  
5 county shall notify the director of revenue of the change in the  
6 method of distribution within ten days after adoption of the  
7 proposal and shall inform the director of the effective date of  
8 the change in the method of distribution, which shall be on the  
9 first day of the third calendar quarter after the director of  
10 revenue receives notice. After the effective date of the change  
11 in the manner of distribution, the director of revenue shall  
12 distribute the proceeds of the sales tax imposed by such county  
13 under the provisions of sections 66.600 to 66.630 in the manner  
14 provided in this subsection in lieu of the manner of distribution  
15 provided in subsection 2 of section 66.620. The proceeds of the  
16 sales tax imposed under the provisions of sections 66.600 to  
17 66.630 in any county which elects to have the proceeds  
18 distributed in the manner provided in this subsection shall be  
19 distributed in the following manner:

20 (1) The proceeds from the sales taxes shall be distributed  
21 to the cities, towns and villages in group A and to the cities,  
22 towns and villages, and the county in group B as defined in  
23 section 66.620 in the manner provided in subsection 2 of section  
24 66.620, until an amount equal to the total amount distributed  
25 under section 66.620 for the twelve-month period immediately  
26 preceding the effective date of the tax levied pursuant to the  
27 provisions of this section has been distributed;

28 (2) All moneys received in excess of the total amount

1 distributed under section 66.620 for the twelve-month period  
2 immediately preceding the effective date of the tax levied  
3 pursuant to the provisions of this section shall be distributed  
4 to all cities, towns and villages and to the county on the basis  
5 that the population of each city, town or village, and in the  
6 case of the county the basis that the population of the  
7 unincorporated area of the county, bears to the total population  
8 of the county. The average per capita sales tax distribution  
9 shall be calculated by dividing the sum of the remaining amount  
10 of the total sales tax revenues by the total population of the  
11 county. Population of each city, town or village, of the  
12 unincorporated area of the county, and the total population of  
13 the county shall be determined on the basis of the most recent  
14 federal decennial census.

15 7. No municipality incorporated after the adoption of the  
16 tax authorized by this section shall be included as other than  
17 part of the unincorporated area of the county nor receive any  
18 share of either the proceeds from the tax levied pursuant to the  
19 provisions of this section or the tax levied pursuant to the  
20 provisions of sections 66.600 to 66.630 unless, at the time of  
21 incorporation, such municipality had a population of ten thousand  
22 or more.

23 8. The county sales tax imposed pursuant to this section on  
24 the purchase and sale of motor vehicles shall not be collected  
25 and remitted by the seller, but shall be collected by the  
26 director of revenue at the time application is made for a  
27 certificate of title, if the address of the applicant is within  
28 the county imposing the additional sales tax. The amounts so

1 collected[, less one percent collection cost,] shall be deposited  
2 in the county sales tax trust fund to be distributed in  
3 accordance with section 66.620. [The purchase or sale of motor  
4 vehicles shall be deemed to be consummated at the address of the  
5 applicant for a certificate of title.]

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

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

1 county. The director of revenue shall notify each county of each  
2 instance of any amount refunded or any check redeemed from  
3 receipts due the county.

4 67.582. 1. The governing body of any county, except a  
5 county of the first class with a charter form of government with  
6 a population of greater than four hundred thousand inhabitants,  
7 is hereby authorized to impose, by ordinance or order, a sales  
8 tax in the amount of up to one-half of one percent on all retail  
9 sales made in such county which are subject to taxation under the  
10 provisions of sections 144.010 to [144.525] 144.527 for the  
11 purpose of providing law enforcement services for such county.  
12 The tax authorized by this section shall be in addition to any  
13 and all other sales taxes allowed by law, except that no  
14 ordinance or order imposing a sales tax under the provisions of  
15 this section shall be effective unless the governing body of the  
16 county submits to the voters of the county, at a county or state  
17 general, primary or special election, a proposal to authorize the  
18 governing body of the county to impose a tax.

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

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

24 Shall the county of \_\_\_\_\_ (county's name) impose a  
25 countywide sales tax of \_\_\_\_\_ (insert amount) for the purpose of  
26 providing law enforcement services for the county?

27  YES  NO

28 If you are in favor of the question, place an "X" in the box

1 opposite "YES". If you are opposed to the question, place an "X"  
2 in the box opposite "NO"; or

3 (2) If the proposal submitted involves authorization to  
4 enter into agreements to form a regional jail district and  
5 obligates the county to make payments from the tax authorized by  
6 this section the ballot shall contain substantially the  
7 following:

8 Shall the county of \_\_\_\_\_ (county's name) be authorized to  
9 enter into agreements for the purpose of forming a regional jail  
10 district and obligating the county to impose a countywide sales  
11 tax of \_\_\_\_\_ (insert amount) to fund \_\_\_\_\_ dollars of the costs  
12 to construct a regional jail and to fund the costs to operate a  
13 regional jail, with any funds in excess of that necessary to  
14 construct and operate such jail to be used for law enforcement  
15 purposes?

16  YES  NO

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

20  
21 If a majority of the votes cast on the proposal by the qualified  
22 voters voting thereon are in favor of the proposal submitted  
23 pursuant to subdivision (1) of this subsection, then the  
24 ordinance or order and any amendments thereto shall be in effect  
25 [on the first day of the second quarter immediately following the  
26 election approving the proposal] as provided by subsection 19 of  
27 section 32.087. If the constitutionally required percentage of  
28 the voters voting thereon are in favor of the proposal submitted

1 pursuant to subdivision (2) of this subsection, then the  
2 ordinance or order and any amendments thereto shall be in effect  
3 [on the first day of the second quarter immediately following the  
4 election approving the proposal] as provided by subsection 19 of  
5 section 32.087. If a proposal receives less than the required  
6 majority, then the governing body of the county shall have no  
7 power to impose the sales tax herein authorized unless and until  
8 the governing body of the county shall again have submitted  
9 another proposal to authorize the governing body of the county to  
10 impose the sales tax authorized by this section and such proposal  
11 is approved by the required majority of the qualified voters  
12 voting thereon. However, in no event shall a proposal pursuant  
13 to this section be submitted to the voters sooner than twelve  
14 months from the date of the last proposal pursuant to this  
15 section.

16 3. All revenue received by a county from the tax authorized  
17 under the provisions of this section shall be deposited in a  
18 special trust fund and shall be used solely for providing law  
19 enforcement services for such county for so long as the tax shall  
20 remain in effect. Revenue placed in the special trust fund may  
21 also be utilized for capital improvement projects for law  
22 enforcement facilities and for the payment of any interest and  
23 principal on bonds issued for said capital improvement projects.

24 4. Once the tax authorized by this section is abolished or  
25 is terminated by any means, all funds remaining in the special  
26 trust fund shall be used solely for providing law enforcement  
27 services for the county. Any funds in such special trust fund  
28 which are not needed for current expenditures may be invested by



1 the governing body in accordance with applicable laws relating to  
2 the investment of other county funds.

3 5. All sales taxes collected by the director of revenue  
4 under this section on behalf of any county[, less one percent for  
5 cost of collection which shall be deposited in the state's  
6 general revenue fund after payment of premiums for surety bonds  
7 as provided in section 32.087,] shall be deposited in a special  
8 trust fund, which is hereby created, to be known as the "County  
9 Law Enforcement Sales Tax Trust Fund". [The moneys in the county  
10 law enforcement sales tax trust fund shall not be deemed to be  
11 state funds and shall not be commingled with any funds of the  
12 state.] The director of revenue shall keep accurate records of  
13 the amount of money in the trust and which was collected in each  
14 county imposing a sales tax under this section, and the records  
15 shall be open to the inspection of officers of the county and the  
16 public. Not later than the tenth day of each month the director  
17 of revenue shall distribute all moneys deposited in the trust  
18 fund during the preceding month to the county which levied the  
19 tax; such funds shall be deposited with the county treasurer of  
20 each such county, and all expenditures of funds arising from the  
21 county law enforcement sales tax trust fund shall be by an  
22 appropriation act to be enacted by the governing body of each  
23 such county. Expenditures may be made from the fund for any law  
24 enforcement functions authorized in the ordinance or order  
25 adopted by the governing body submitting the law enforcement tax  
26 to the voters.

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

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

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

22 67.583. 1. The governing body of any county of the second  
23 class with a population of more than forty thousand but less than  
24 sixty thousand and which contains institutions operated by the  
25 department of corrections and by the department of mental health  
26 is hereby authorized to impose, by ordinance or order, a sales  
27 tax in the amount of one-eighth of one percent on all retail  
28 sales made in such county which are subject to taxation under the

1 provisions of sections 144.010 to ~~[144.525]~~ 144.527. The tax  
2 authorized by this section shall be in addition to any and all  
3 other sales taxes allowed by law; provided, however, that no  
4 ordinance or order imposing a sales tax under the provisions of  
5 this section shall be effective unless the governing body of the  
6 county submits to the voters of the county, at a county or state  
7 general, primary or special election, a proposal to authorize the  
8 governing body of the county to impose a tax.

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

11 Shall the county of \_\_\_\_\_ (county's name) impose a  
12 countywide sales tax of \_\_\_\_\_ (insert amount) for the purpose of  
13 providing retirement and health care benefits for county  
14 employees and their dependents?

15  YES  NO

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

19  
20 If a majority of the votes cast on the proposal by the qualified  
21 voters voting thereon are in favor of the proposal, then the  
22 ordinance or order and any amendments thereto shall be in effect  
23 as provided by subsection 19 of section 32.087. If a majority of  
24 the votes cast by the qualified voters voting are opposed to the  
25 proposal, then the governing body of the county shall have no  
26 power to impose the sales tax herein authorized unless and until  
27 the governing body of the county shall again have submitted  
28 another proposal to authorize the governing body of the county to

1 impose the sales tax authorized by this section and such proposal  
2 is approved by a majority of the qualified voters voting thereon.  
3 However, in no event shall a proposal pursuant to this section be  
4 submitted to the voters sooner than twelve months from the date  
5 of the last proposal pursuant to this section.

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

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

1 the county employee benefit sales tax trust fund shall be for the  
2 provision of retirement benefits or health care benefits for  
3 employees of the county and their dependents and for no other  
4 purpose.

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

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

27 67.584. 1. The governing body of any county of the first  
28 classification with more than one hundred ninety-eight thousand

1 but less than one hundred ninety-eight thousand two hundred  
2 inhabitants is hereby authorized to impose, by ordinance or  
3 order, a sales tax in the amount of up to one-half percent on all  
4 retail sales made in such county which are subject to taxation  
5 pursuant to sections 144.010 to ~~[144.525]~~ 144.527 for the purpose  
6 of providing law enforcement services for such county. The tax  
7 authorized by this section shall be in addition to any and all  
8 other sales taxes allowed by law, except that no ordinance or  
9 order imposing a sales tax pursuant to this section shall be  
10 effective unless the governing body of the county submits to the  
11 voters of the county, at a county or state general, primary, or  
12 special election, a proposal to authorize the governing body of  
13 the county to impose a tax.

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

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

21  YES  NO

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

25  
26 If a majority of the votes cast on the proposal by the qualified  
27 voters voting thereon are in favor of the proposal submitted  
28 pursuant to this subsection, then the ordinance or order and any

1 amendments thereto shall be in effect [on the first day of the  
2 second quarter immediately following the election approving the  
3 proposal] as provided by subsection 19 of section 32.087. If a  
4 proposal receives less than the required majority, then the  
5 governing body of the county shall have no power to impose the  
6 sales tax herein authorized unless and until the governing body  
7 of the county shall again have submitted another proposal to  
8 authorize the governing body of the county to impose the sales  
9 tax authorized by this section and such proposal is approved by  
10 the required majority of the qualified voters voting thereon.  
11 However, in no event shall a proposal pursuant to this section be  
12 submitted to the voters sooner than twelve months from the date  
13 of the last proposal pursuant to this section.

14 3. Twenty-five percent of the revenue received by a county  
15 treasurer from the tax authorized pursuant to this section shall  
16 be deposited in a special trust fund and shall be used solely by  
17 a prosecuting attorney's office for such county for so long as  
18 the tax shall remain in effect. The remainder of revenue shall  
19 be deposited in the county law enforcement sales tax trust fund  
20 established pursuant to section 67.582 of the county levying the  
21 tax pursuant to this section. The revenue derived from the tax  
22 imposed pursuant to this section shall be used for public law  
23 enforcement services only. No revenue derived from the tax  
24 imposed pursuant to this section shall be used for any private  
25 contractor providing law enforcement services or for any private  
26 jail.

27 4. Once the tax authorized by this section is abolished or  
28 is terminated by any means, all funds remaining in the

1 prosecuting attorney's trust fund shall be used solely by a  
2 prosecuting attorney's office for the county. Any funds in such  
3 special trust fund which are not needed for current expenditures  
4 may be invested by the governing body in accordance with  
5 applicable laws relating to the investment of other county funds.

6 5. All sales taxes collected by the director of revenue  
7 pursuant to this section on behalf of any county[, less one  
8 percent for cost of collection which shall be deposited in the  
9 state's general revenue fund after payment of premiums for surety  
10 bonds as provided in section 32.087,] shall be deposited in a  
11 special trust fund, which is hereby created, to be known as the  
12 "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in  
13 the county law enforcement sales tax trust fund, pursuant to the  
14 deposit ratio in subsection 3 of this section. [The moneys in  
15 the trust funds shall not be deemed to be state funds and shall  
16 not be commingled with any funds of the state.] The director of  
17 revenue shall keep accurate records of the amount of money in the  
18 trusts and which was collected in each county imposing a sales  
19 tax pursuant to this section, and the records shall be open to  
20 the inspection of officers of the county and the public. Not  
21 later than the tenth day of each month the director of revenue  
22 shall distribute all moneys deposited in the trust funds during  
23 the preceding month to the county which levied the tax; such  
24 funds shall be deposited with the county treasurer of each such  
25 county, and all expenditures of funds arising from either trust  
26 fund shall be by an appropriation act to be enacted by the  
27 governing body of each such county. Expenditures may be made  
28 from the funds for any functions authorized in the ordinance or



1 order adopted by the governing body submitting the tax to the  
2 voters.

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

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

27           67.712. 1. All sales taxes collected by the director of  
28 revenue under sections 67.700 to 67.727 on behalf of any county[,

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

20 2. The director of revenue may authorize the state  
21 treasurer to make refunds from the amounts in the trust fund and  
22 credited to any county for erroneous payments and overpayments  
23 made, and may redeem dishonored checks and drafts deposited to  
24 the credit of such counties. If any county repeals the tax  
25 authorized by sections 67.700 to 67.727, the county shall notify  
26 the director of revenue of the action [at least ninety days]  
27 prior to the effective date of the repeal and the repeal shall be  
28 effective as provided by subsection 19 of section 32.087. The

1 director of revenue may order retention in the trust fund, for a  
2 period of one year, of two percent of the amount collected after  
3 receipt of such notice to cover possible refunds or overpayment  
4 of such tax and to redeem dishonored checks and drafts deposited  
5 to the credit of such accounts. After one year has elapsed after  
6 the effective date of repeal of the tax authorized by sections  
7 67.700 to 67.727 in such county, the director of revenue shall  
8 authorize the state treasurer to remit the balance in the account  
9 to the county and close the account of that county. The director  
10 of revenue shall notify each county of each instance of any  
11 amount refunded or any check redeemed from receipts due the  
12 county.

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

16 67.713. 1. Notwithstanding the provisions of section  
17 67.712, as to the disposition of any other sales tax imposed  
18 under the provisions of sections 67.700 to 67.727, one-fifth of  
19 the sales taxes collected by the director of revenue from the tax  
20 authorized by section 67.701 on behalf of any county of the first  
21 class having a charter form of government and having a population  
22 of nine hundred thousand or more[, less one percent for cost of  
23 collection, which shall be deposited in the state's general  
24 revenue fund after payment of premiums for surety bonds as  
25 provided in sections 67.700 to 67.727,] shall be deposited in a  
26 special trust fund, which is hereby created, to be known as the  
27 "County-Municipal Storm Water and Public Works Sales Tax Trust  
28 Fund". [The moneys in the county-municipal storm water and

1 public works sales tax trust fund shall not be deemed to be state  
2 funds and shall not be commingled with any funds of the state.]

3 The director of revenue shall keep accurate records of the amount  
4 of money in the trust fund which was collected in each county and  
5 the records shall be open to the inspection of officers of the  
6 county and of the municipalities within the county and the  
7 public. Not later than the tenth day of each month, the director  
8 of the department of revenue shall distribute all moneys  
9 deposited in the county-municipal storm water and public works  
10 sales tax trust fund during the preceding month to the county  
11 which levied the tax, and the municipalities which are located  
12 wholly or partially within such county as follows:

13 (1) The county which levied the sales tax shall receive a  
14 percentage of the distributable revenue equal to the percentage  
15 ratio that the population of the unincorporated areas of the  
16 county bears to the total population of the county;

17 (2) Each municipality located wholly within the county  
18 which levied the tax shall receive a percentage of the  
19 distributable revenue equal to the percentage ratio that the  
20 population of such municipality bears to the total population of  
21 the county; and

22 (3) Each municipality located partially within the county  
23 which levied the tax shall receive a percentage of the  
24 distributable revenue equal to the percentage ratio that the  
25 population of that part of the municipality located within the  
26 county bears to the total population of the county.

27 2. The director of revenue may make refunds from the  
28 amounts in the county-municipal storm water and public works

1 sales tax trust fund and credited to any county or municipality  
2 for erroneous payments and overpayments made, and may redeem  
3 dishonored checks and drafts deposited to the credit of such  
4 county or municipality. If any county abolishes the tax, the  
5 county shall notify the director of revenue of the action [at  
6 least ninety days] prior to the effective date of the repeal and  
7 the repeal shall be effective as provided by subsection 19 of  
8 section 32.087. The director of revenue may order retention in  
9 the county-municipal storm water and public works sales tax trust  
10 fund, for a period of one year, of two percent of the amount  
11 collected after receipt of such notice to cover possible refunds  
12 or overpayment of the tax and to redeem dishonored checks and  
13 drafts deposited to the credit of such accounts. After one year  
14 has elapsed after the effective date of abolition of the tax in  
15 such county, the director of revenue shall remit the balance in  
16 the account to the county or municipality and close the account  
17 of that county or municipality. The director of revenue shall  
18 notify each county or municipality of each instance of any amount  
19 refunded or any check redeemed from receipts due the county or  
20 municipality.

21 3. If the governing body of any municipality located wholly  
22 or partially within the county so requests by resolution, no  
23 funds shall be expended from the proceeds of any tax imposed  
24 under section 67.701 within the corporate boundaries of the  
25 requesting municipality for the construction, reconstruction or  
26 widening of any road established or to be established pursuant to  
27 section 137.558, the total cost of which exceeds one hundred  
28 thousand dollars unless: (a) a public hearing is first held at a

1 place near such proposed action; and (b) plans and specifications  
2 of such proposed action are prepared and a cost-benefit analysis  
3 prepared in accordance with accepted accounting principles of  
4 such proposed action is presented to such public hearing. Such  
5 cost-benefit analysis and its work papers shall be a public  
6 document and subject to inspection as provided in chapter 610.  
7 The provisions of this subsection shall not apply to proposed  
8 projects in unincorporated areas of the county.

9 67.729. 1. Any county except any first class county having  
10 a charter form of government and having a population of nine  
11 hundred thousand or more may, in the same manner and by the same  
12 procedure and subject to the same penalties as set out in  
13 sections 67.700 to 67.727, impose a sales tax of not more than  
14 one-tenth of one percent on all retail sales made in the county  
15 which are subject to sales tax under sections 144.010 to 144.527  
16 for the purpose of funding storm water control and public works  
17 projects other than stadiums or other sports facilities. This  
18 sales tax shall be in addition to any other sales tax authorized  
19 by law.

20 2. Notwithstanding the provisions of section 67.712 as to  
21 the disposition of any other sales tax imposed under the  
22 provisions of sections 67.700 to 67.727, all sales taxes  
23 collected by the director of revenue from the tax authorized by  
24 this section on behalf of any county[, less one percent for cost  
25 of collection, which shall be deposited in the state's general  
26 revenue fund after payment of premiums for surety bonds as  
27 provided in section 32.087,] shall be deposited with the state  
28 treasurer in a special trust fund, which is hereby created, to be

1 known as the "County Storm Water and Public Works Sales Tax Trust  
2 Fund". [The moneys in the county storm water and public works  
3 sales tax trust fund shall not be deemed to be state funds and  
4 shall not be commingled with any funds of the state.] The  
5 director of revenue shall keep accurate records of the amount of  
6 money in the trust fund which was collected in each county  
7 imposing a sales tax under this section and the records shall be  
8 open to the inspection of officers of the county and the public.  
9 Not later than the tenth day of each month the director of  
10 revenue shall distribute all moneys deposited in the county storm  
11 water and public works sales tax trust fund during the preceding  
12 month to the county which levied the tax, and the municipalities  
13 which are located wholly or partially within such county as  
14 follows:

15 (1) The county which levied the sales tax shall receive a  
16 percentage of the distributable revenue equal to the percentage  
17 ratio that the population of the unincorporated areas of the  
18 county bears to the total population of the county;

19 (2) Each municipality located wholly within the county  
20 which levied the tax shall receive a percentage of the  
21 distributable revenue equal to the percentage ratio that the  
22 population of such municipality bears to the total population of  
23 the county; and

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

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

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

25           67.737. Except as modified in sections 67.730 to 67.739,  
26 all provisions of sections 32.085 [and] to 32.087 shall apply to  
27 the tax imposed under sections 67.730 to 67.739.

28           67.738. 1. All sales taxes collected by the director of



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

22 2. The director of revenue may authorize the state  
23 treasurer to make refund from the amounts in the trust fund and  
24 credited to any county for erroneous payments and overpayments  
25 made, and may redeem dishonored checks and drafts deposited to  
26 the credit of such counties. If any county repeals the tax  
27 authorized by sections 67.730 to 67.739, the county shall notify  
28 the director of revenue of the action [at least ninety days]

1 prior to the effective date of the repeal or expiration and the  
2 repeal shall be effective as provided by subsection 19 of section  
3 32.087. The director of revenue may order retention in the trust  
4 fund, for a period of one year, of two percent of the amount  
5 collected after receipt of such notice to cover possible refunds  
6 or overpayment of such tax and to redeem dishonored checks and  
7 drafts deposited to the credit of such accounts. After one year  
8 has elapsed after the effective date of repeal or expiration of  
9 the tax authorized by sections 67.730 to 67.739 in such county,  
10 the director of revenue shall remit the balance in the account to  
11 the county and close the account of that county. The director of  
12 revenue shall notify each county of each instance of any amount  
13 refunded or any check redeemed from receipts due the county.

14 67.745. 1. Any county of the third classification without  
15 a township form of government and with more than eleven thousand  
16 seven hundred fifty but fewer than eleven thousand eight hundred  
17 fifty inhabitants may impose a sales tax throughout the county on  
18 all retail sales made in the county which are subject to sales  
19 tax under sections 144.010 to 144.527 for public recreational  
20 projects and programs, but the sales tax authorized by this  
21 section shall not become effective unless the governing body of  
22 such county submits to the qualified voters of the county a  
23 proposal to authorize the county to impose the sales tax.

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

26 Shall the County of \_\_\_\_\_ impose a sales tax of up to one  
27 percent for the purpose of funding the financing, acquisition,  
28 construction, operation, and maintenance of recreational projects

1 and programs, including the acquisition of land for such  
2 purposes?

3  YES  NO

4 3. If approved by a majority of qualified voters voting on  
5 the issue in the county, the governing body of the county shall  
6 appoint a board of directors consisting of nine members. Of the  
7 initial members appointed to the board, three members shall be  
8 appointed for a term of three years, three members shall be  
9 appointed for a term of two years, and three members shall be  
10 appointed for a term of one year. After the initial  
11 appointments, board members shall be appointed to three-year  
12 terms.

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

18 5. All revenue collected from the sales tax under this  
19 section by the director of revenue on behalf of a county[, less  
20 one percent for the cost of collection which shall be deposited  
21 in the state's general revenue fund after payment of premiums for  
22 surety bonds as provided in section 32.087,] shall be deposited  
23 with the state treasurer in a special trust fund, which is hereby  
24 created, to be known as the "County Recreation Sales Trust Fund".  
25 [Moneys in the fund shall not be deemed to be state funds and  
26 shall not be commingled with any funds of the state.] The  
27 director of revenue shall keep accurate records of the amount of  
28 money in the trust fund collected in each county imposing a sales

1 tax under this section, and the records shall be open to the  
2 inspection of officers of such county and the general public.  
3 Not later than the tenth day of each calendar month, the director  
4 of revenue shall distribute all moneys deposited in the trust  
5 fund during the preceding calendar month by distributing to the  
6 county treasurer, or such officer as may be designated by county  
7 ordinance or order, of each county imposing the tax under this  
8 section the sum due the county as certified by the director of  
9 revenue.

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

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

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

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

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

16           67.782. 1. Any county of the third class having a  
17 population of more than ten thousand and less than fifteen  
18 thousand and any county of the second class having a population  
19 of more than fifty-eight thousand and less than seventy thousand  
20 adjacent to such third class county, both counties making up the  
21 same judicial circuit, may jointly impose a sales tax throughout  
22 each of their respective counties on all retail sales made in the  
23 county which are subject to sales tax under sections 144.010 to  
24 144.527 for public recreational purposes including the financing,  
25 acquisition, construction, operation and maintenance of  
26 recreational projects and programs, but the sales taxes  
27 authorized by this section shall not become effective unless the  
28 governing body of each such county submits to the voters of their

1     respective counties a proposal to authorize the counties to  
2     impose the sales tax.

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

5             Shall the County of \_\_\_\_\_ impose a sales tax of \_\_\_\_\_  
6     percent in conjunction with the county of \_\_\_\_\_ for the purpose  
7     of funding the financing, acquisition, construction, operation  
8     and maintenance of recreational projects and programs, including  
9     the acquisition of land for such purposes?

10             YES                    NO

11  
12     If a separate majority of the votes cast on the proposal by the  
13     qualified voters voting thereon in each county are in favor of  
14     the proposal, then the tax shall be in effect in both counties.  
15     If a majority of the votes cast by the qualified voters voting  
16     thereon in either county are opposed to the proposal, then the  
17     governing body of neither county shall have power to impose the  
18     sales tax authorized by this section unless or until the  
19     governing body of the county that has not approved the tax shall  
20     again have submitted another proposal to authorize the governing  
21     body to impose the tax, and the proposal is approved by a  
22     majority of the qualified voters voting thereon in that county.

23            3. The sales tax may be imposed at a rate of one percent on  
24     the receipts from the sale at retail of all tangible personal  
25     property or taxable service at retail within the county adopting  
26     such tax, if such property and services are subject to taxation  
27     by the state of Missouri under the provisions of sections 144.010  
28     to ~~[144.525]~~ 144.527.

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

21           5. The director of revenue may authorize the state  
22 treasurer to make refunds from the amounts in the trust fund and  
23 credited to any county for erroneous payments and overpayments  
24 made, and may redeem dishonored checks and drafts deposited to  
25 the credit of such counties. Each county shall notify the  
26 director of revenue [at least ninety days] prior to the effective  
27 date of the expiration of the sales tax authorized by this  
28 section and the repeal shall be effective as provided by

1 subsection 19 of section 32.087. The director of revenue may  
2 order retention in the trust fund, for a period of one year, of  
3 two percent of the amount collected after receipt of such notice  
4 to cover possible refunds or overpayment of such tax and to  
5 redeem dishonored checks and drafts deposited to the credit of  
6 such accounts. After one year has elapsed after the date of  
7 expiration of the tax authorized by this section in such county,  
8 the director of revenue shall remit the balance in the account to  
9 the county and close the account of that county. The director of  
10 revenue shall notify each county of each instance of any amount  
11 refunded or any check redeemed from receipts due the county.

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

15 7. Any county imposing a sales tax pursuant to the  
16 provisions of this section may contract with the authority of any  
17 other county or with any city or political subdivision for the  
18 financing, acquisition, operation, construction, maintenance, or  
19 utilization of any recreation facility or project or program  
20 funded in whole or in part from revenues derived from the tax  
21 levied pursuant to the provisions of this section.

22 8. The sales tax imposed pursuant to the provisions of this  
23 section shall expire twenty-five years from the effective date  
24 thereof unless an extension of the tax is submitted to and  
25 approved by the voters in each county in the manner provided in  
26 this section. Each extension of the sales tax shall be for a  
27 period of ten years.

28 9. The governing body of each of the counties imposing a



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

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

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

16 67.799. 1. A regional recreational district may, by a  
17 majority vote of its board of directors, impose an annual  
18 property tax for the establishment and maintenance of public  
19 parks and recreational facilities and grounds within the  
20 boundaries of the regional recreational district not to exceed  
21 sixty cents per year on each one hundred dollars of assessed  
22 valuation on all property within the district, except that no  
23 such tax shall become effective unless the board of directors of  
24 the district submits to the voters of the district, at a county  
25 or state general, primary or special election, a proposal to  
26 authorize the tax.

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

1            Shall a \_\_\_\_\_ cent tax per one hundred dollars assessed  
2 valuation be levied for public parks and recreational facilities?

3             YES                       NO

4  
5            If a majority of the votes cast on the proposal by the qualified  
6 voters voting thereon are in favor of the proposal, then the tax  
7 shall become effective as provided by subsection 19 of section  
8 32.087. If a majority of the votes cast by the qualified voters  
9 voting are opposed to the proposal, then the board of directors  
10 shall have no power to impose the tax unless and until the board  
11 of directors of the district submits another proposal to  
12 authorize the tax and such proposal is approved by a majority of  
13 the qualified voters voting thereon.

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

17            4. (1) A regional recreational district may, by a majority  
18 vote of its board of directors, impose a tax not to exceed  
19 one-half of one cent on all retail sales subject to taxation  
20 pursuant to sections 144.010 to ~~[144.525]~~ 144.527 for the purpose  
21 of funding the creation, operation and maintenance of public  
22 parks, recreational facilities and grounds within the boundaries  
23 of a regional recreational district. The tax authorized by this  
24 subsection shall be in addition to all other sales taxes allowed  
25 by law. No tax pursuant to this subsection shall become  
26 effective unless the board of directors submits to the voters of  
27 the district, at a county or state general, primary or special  
28 election, a proposal to authorize the tax, and such tax shall

1 become effective only after the majority of the voters voting on  
2 such tax approve such tax.

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

6 Shall a \_\_\_\_\_ cent sales tax be levied on all retail sales  
7 within the district for public parks and recreational facilities?

8  YES  NO

9

10 If a majority of the votes cast on the proposal by the qualified  
11 voters voting thereon are in favor of the proposal, then the tax  
12 shall become effective as provided by subsection 19 of section  
13 32.087. If a majority of the votes cast by the qualified voters  
14 voting are opposed to the proposal, then the board of directors  
15 shall have no power to impose the tax unless and until another  
16 proposal to authorize the tax is submitted to the voters of the  
17 district and such proposal is approved by a majority of the  
18 qualified voters voting thereon. The provisions of sections  
19 32.085 [and] to 32.087 shall apply to any tax approved pursuant  
20 to this subsection.

21 5. As used in this section, "qualified voters" or "voters"  
22 means any individuals residing within the proposed district who  
23 are eligible to be registered voters and who have registered to  
24 vote under chapter 115 or, if no individuals eligible and  
25 registered to vote reside within the proposed district, all of  
26 the owners of real property located within the proposed district  
27 who have unanimously petitioned for or consented to the adoption  
28 of an ordinance by the governing body imposing a tax authorized

1 in this section. If the owner of the property within the  
2 proposed district is a political subdivision or corporation of  
3 the state, the governing body of such political subdivision or  
4 corporation shall be considered the owner for purposes of this  
5 section.

6 67.997. 1. The governing body of any county of the third  
7 classification without a township form of government and with  
8 more than eighteen thousand one hundred but fewer than eighteen  
9 thousand two hundred inhabitants may impose, by order or  
10 ordinance, a sales tax on all retail sales made within the county  
11 which are subject to sales tax under [chapter 144] sections  
12 144.010 to 144.527. The tax authorized in this section shall not  
13 exceed one-fourth of one percent, and shall be imposed solely for  
14 the purpose of funding senior services and youth programs  
15 provided by the county. One-half of all revenue collected under  
16 this section[, less one-half the cost of collection,] shall be  
17 used solely to fund any service or activity deemed necessary by  
18 the senior service tax commission established in this section,  
19 and one-half of all revenue collected under this section[, less  
20 one-half the cost of collection,] shall be used solely to fund  
21 all youth programs administered by an existing county community  
22 task force. The tax authorized in this section shall be in  
23 addition to all other sales taxes imposed by law, and shall be  
24 stated separately from all other charges and taxes. The order or  
25 ordinance shall not become effective unless the governing body of  
26 the county submits to the voters residing within the county at a  
27 state general, primary, or special election a proposal to  
28 authorize the governing body of the county to impose a tax under

1 this section.

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

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

11  YES  NO

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

15  
16 If a majority of the votes cast on the question by the qualified  
17 voters voting thereon are in favor of the question, then the tax  
18 shall become effective [on the first day of the second calendar  
19 quarter immediately following the approval of the tax or  
20 notification to the department of revenue if such tax will be  
21 administered by the department of revenue] as provided by  
22 subsection 19 of section 32.087. If a majority of the votes cast  
23 on the question by the qualified voters voting thereon are  
24 opposed to the question, then the tax shall not become effective  
25 unless and until the question is resubmitted under this section  
26 to the qualified voters and such question is approved by a  
27 majority of the qualified voters voting on the question.

28 3. [On or after the effective date of any tax authorized

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

24 4. [In order to permit sellers required to collect and  
25 report the sales tax to collect the amount required to be  
26 reported and remitted, but not to change the requirements of  
27 reporting or remitting the tax, or to serve as a levy of the tax,  
28 and in order to avoid fractions of pennies, the governing body of

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

12 5. All applicable provisions in sections 144.010 to  
13 [144.525] 144.527 governing the state sales tax, and section  
14 32.057, the uniform confidentiality provision, shall apply to the  
15 collection of the tax[, and all exemptions granted to agencies of  
16 government, organizations, and persons under sections 144.010 to  
17 144.525 are hereby made applicable to the imposition and  
18 collection of the tax. The same sales tax permit, exemption  
19 certificate, and retail certificate required by sections 144.010  
20 to 144.525 for the administration and collection of the state  
21 sales tax shall satisfy the requirements of this section, and no  
22 additional permit or exemption certificate or retail certificate  
23 shall be required; except that, the director of revenue may  
24 prescribe a form of exemption certificate for an exemption from  
25 the tax. All discounts allowed the retailer under the state  
26 sales tax for the collection of and for payment of taxes are  
27 hereby allowed and made applicable to the tax. The penalties for  
28 violations provided in section 32.057 and sections 144.010 to

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

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

13 Shall \_\_\_\_\_ (insert the name of the county) repeal the  
14 sales tax imposed at a rate of \_\_\_\_\_ (insert rate of percent)  
15 percent for the purpose of funding senior services and youth  
16 programs provided by the county?

17  YES  NO

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

21  
22 If a majority of the votes cast on the question by the qualified  
23 voters voting thereon are in favor of repeal, that repeal shall  
24 become effective [on December thirty-first of the calendar year  
25 in which such repeal was approved] as provided by subsection 19  
26 of section 32.087. If a majority of the votes cast on the  
27 question by the qualified voters voting thereon are opposed to  
28 the repeal, then the sales tax authorized in this section shall



1 remain effective until the question is resubmitted under this  
2 section to the qualified voters and the repeal is approved by a  
3 majority of the qualified voters voting on the question.

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

21 8. If the tax is repealed or terminated by any means, all  
22 funds remaining in the special trust fund shall continue to be  
23 used solely for the designated purposes, and the county shall  
24 notify the director of the department of revenue of the action  
25 [at least thirty days] before the effective date of the repeal  
26 and the repeal shall be effective as provided by subsection 19 of  
27 section 32.087. The director may order retention in the trust  
28 fund, for a period of one year, of two percent of the amount

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

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

17 67.1300. 1. The governing body of any of the contiguous  
18 counties of the third classification without a township form of  
19 government enumerated in subdivisions (1) to (5) of this  
20 subsection or in any county of the fourth classification acting  
21 as a county of the second classification, having a population of  
22 at least forty thousand but less than forty-five thousand with a  
23 state university, and adjoining a county of the first  
24 classification with part of a city with a population of three  
25 hundred fifty thousand or more inhabitants or a county of the  
26 third classification with a township form of government and with  
27 a population of at least eight thousand but less than eight  
28 thousand four hundred inhabitants or a county of the third

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

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

1 classification with a population greater than one hundred twenty  
2 thousand but less than one hundred fifty thousand or in any  
3 county of the fourth classification acting as a county of the  
4 second classification, having a population of at least  
5 forty-eight thousand or any governing body of a municipality  
6 located in any of such counties may impose, by ordinance or  
7 order, a sales tax on all retail sales made in such county or  
8 municipality which are subject to taxation pursuant to the  
9 provisions of sections 144.010 to ~~[144.525]~~ 144.527:

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

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

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

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

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

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

28 3. The tax authorized by this section shall be in addition

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

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

13 Shall the (city, town, village or county) of \_\_\_\_\_ impose a  
14 sales tax of \_\_\_\_\_ (insert amount) for the purpose of economic  
15 development in the (city, town, village or county)?

16  YES  NO

17

18 If a majority of the votes cast on the proposal by the qualified  
19 voters voting thereon are in favor of the proposal, then the  
20 ordinance or order and any amendments thereto shall be in effect  
21 [on the first day of the second quarter after the director of  
22 revenue receives notice of adoption of the tax] as provided by  
23 subsection 19 of section 32.087. If a majority of the votes cast  
24 by the qualified voters voting are opposed to the proposal, then  
25 the governing body of the county or municipality shall not impose  
26 the sales tax authorized in this section until the governing body  
27 of the county or municipality resubmits another proposal to  
28 authorize the governing body of the county or municipality to

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

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

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

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

25 8. [The moneys in the local economic development sales tax  
26 trust fund shall not be deemed to be state funds and shall not be  
27 commingled with any funds of the state.] The director of revenue  
28 shall keep accurate records of the amount of money in the trust

1 fund and which was collected in each county or municipality  
2 imposing a sales tax pursuant to this section, and the records  
3 shall be open to the inspection of officers of the county or  
4 municipality and the public.

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

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

22 11. If any county or municipality abolishes the tax, the  
23 county or municipality shall notify the director of revenue of  
24 the action [at least ninety days] prior to the effective date of  
25 the repeal and the repeal shall be effective as provided by  
26 subsection 19 of section 32.087. The director of revenue may  
27 order retention in the trust fund, for a period of one year, of  
28 two percent of the amount collected after receipt of such notice



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

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

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

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

22 67.1303. 1. The governing body of any home rule city with  
23 more than one hundred fifty-one thousand five hundred but less  
24 than one hundred fifty-one thousand six hundred inhabitants, any  
25 home rule city with more than forty-five thousand five hundred  
26 but less than forty-five thousand nine hundred inhabitants and  
27 the governing body of any city within any county of the first  
28 classification with more than one hundred four thousand six

1 hundred but less than one hundred four thousand seven hundred  
2 inhabitants and the governing body of any county of the third  
3 classification without a township form of government and with  
4 more than forty thousand eight hundred but less than forty  
5 thousand nine hundred inhabitants or any city within such county  
6 may impose, by order or ordinance, a sales tax on all retail  
7 sales made in the city or county which are subject to sales tax  
8 under [chapter 144] sections 144.010 to 144.527. In addition,  
9 the governing body of any county of the first classification with  
10 more than eighty-five thousand nine hundred but less than  
11 eighty-six thousand inhabitants or the governing body of any home  
12 rule city with more than seventy-three thousand but less than  
13 seventy-five thousand inhabitants may impose, by order or  
14 ordinance, a sales tax on all retail sales made in the city or  
15 county which are subject to sales tax under [chapter 144]  
16 sections 144.010 to 144.527. The tax authorized in this section  
17 shall not be more than one-half of one percent. The order or  
18 ordinance imposing the tax shall not become effective unless the  
19 governing body of the city or county submits to the voters of the  
20 city or county at a state general or primary election a proposal  
21 to authorize the governing body to impose a tax under this  
22 section. The tax authorized in this section shall be in addition  
23 to all other sales taxes imposed by law, and shall be stated  
24 separately from all other charges and taxes.

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

27 Shall \_\_\_\_\_ (insert the name of the city or county) impose  
28 a sales tax at a rate of \_\_\_\_\_ (insert rate of percent) percent

1 for economic development purposes?

2  YES  NO

3

4 If a majority of the votes cast on the question by the qualified  
5 voters voting thereon are in favor of the question, then the tax  
6 shall become effective [on the first day of the second calendar  
7 quarter following the calendar quarter in which the election was  
8 held] as provided by subsection 19 of section 32.087. If a  
9 majority of the votes cast on the question by the qualified  
10 voters voting thereon are opposed to the question, then the tax  
11 shall not become effective unless and until the question is  
12 resubmitted under this section to the qualified voters and such  
13 question is approved by a majority of the qualified voters voting  
14 on the question, provided that no proposal shall be resubmitted  
15 to the voters sooner than twelve months from the date of the  
16 submission of the last proposal.

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

- 23 (1) Acquisition of land;
- 24 (2) Installation of infrastructure for industrial or  
25 business parks;
- 26 (3) Improvement of water and wastewater treatment capacity;
- 27 (4) Extension of streets;
- 28 (5) Providing matching dollars for state or federal grants;

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

9           4. All revenue generated by the tax shall be deposited in a  
10 special trust fund and shall be used solely for the designated  
11 purposes. If the tax is repealed, all funds remaining in the  
12 special trust fund shall continue to be used solely for the  
13 designated purposes. Any funds in the special trust fund which  
14 are not needed for current expenditures may be invested by the  
15 governing body in accordance with applicable laws relating to the  
16 investment of other city or county funds.

17           5. The director of revenue may authorize the state  
18 treasurer to make refunds from the amounts in the trust fund and  
19 credited to any city or county for erroneous payments in the  
20 trust fund and credited to any city or county for erroneous  
21 payments and overpayments made, and may redeem dishonored checks  
22 and drafts deposited to the credit of such counties. If any city  
23 or county abolishes the tax authorized under this section, the  
24 repeal of such tax shall become effective as provided by  
25 subsection 19 of section 32.087. Each city or county shall  
26 notify the director of revenue prior to the effective date of the  
27 expiration of the sales tax authorized by this section and the  
28 repeal shall be effective as provided by subsection 19 of section

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

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

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

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

28 (3) One member shall be appointed by the largest public

1 school district in the city or county;

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

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

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

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

20 [7.] 8. The board shall report at least annually to the  
21 governing body of the city or county on the use of the funds  
22 provided under this section and on the progress of any plan,  
23 project, or designation adopted under this section.

24 [8.] 9. The governing body of any city or county that has  
25 adopted the sales tax authorized in this section may submit the  
26 question of repeal of the tax to the voters on any date available  
27 for elections for the city or county. The ballot of submission  
28 shall be in substantially the following form:

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

4             YES                       NO

5 If a majority of the votes cast on the proposal are in favor of  
6 repeal, that repeal shall become effective [on December  
7 thirty-first of the calendar year in which such repeal was  
8 approved] as provided by subsection 19 of section 32.087. If a  
9 majority of the votes cast on the question by the qualified  
10 voters voting thereon are opposed to the repeal, then the sales  
11 tax authorized in this section shall remain effective until the  
12 question is resubmitted under this section to the qualified  
13 voters of the city or county, and the repeal is approved by a  
14 majority of the qualified voters voting on the question.

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



1 this section to the qualified voters and the repeal is approved  
2 by a majority of the qualified voters voting on the question. If  
3 the city or county abolishes the tax, the city or county shall  
4 notify the director of revenue of the action at least one hundred  
5 twenty days prior to the effective date of the repeal.

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

16 12. Except as provided in this section, all provisions of  
17 sections 32.085 to 32.087 shall apply to the tax imposed under  
18 this section.

19 67.1305. 1. As used in this section, the term "city" shall  
20 mean any incorporated city, town, or village.

21 2. In lieu of the sales taxes authorized under sections  
22 67.1300 and 67.1303, the governing body of any city or county may  
23 impose, by order or ordinance, a sales tax on all retail sales  
24 made in the city or county which are subject to sales tax under  
25 chapter 144. The tax authorized in this section shall not be  
26 more than one-half of one percent. The order or ordinance  
27 imposing the tax shall not become effective unless the governing  
28 body of the city or county submits to the voters of the city or

1 county at any citywide, county or state general, primary or  
2 special election a proposal to authorize the governing body to  
3 impose a tax under this section. The tax authorized in this  
4 section shall be in addition to all other sales taxes imposed by  
5 law, and shall be stated separately from all other charges and  
6 taxes. The tax authorized in this section shall not be imposed  
7 by any city or county that has imposed a tax under section  
8 67.1300 or 67.1303 unless the tax imposed under those sections  
9 has expired or been repealed.

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

12 Shall \_\_\_\_\_ (insert the name of the city or county) impose  
13 a sales tax at a rate of \_\_\_\_\_ (insert rate of percent) percent  
14 for economic development purposes?

15  YES  NO

16  
17 If a majority of the votes cast on the question by the qualified  
18 voters voting thereon are in favor of the question, then the tax  
19 shall become effective [on the first day of the second calendar  
20 quarter following the calendar quarter in which the election was  
21 held] as provided by subsection 19 of section 32.087. If a  
22 majority of the votes cast on the question by the qualified  
23 voters voting thereon are opposed to the question, then the tax  
24 shall not become effective unless and until the question is  
25 resubmitted under this section to the qualified voters and such  
26 question is approved by a majority of the qualified voters voting  
27 on the question, provided that no proposal shall be resubmitted  
28 to the voters sooner than twelve months from the date of the

1 submission of the last proposal.

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

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

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

25 7. The director of revenue may authorize the state  
26 treasurer to make refunds from the amounts in the trust fund and  
27 credited to any city or county for erroneous payments and  
28 overpayments made, and may redeem dishonored checks and drafts

1 deposited to the credit of such cities and counties.

2 8. If any county or municipality abolishes the tax, the  
3 city or county shall notify the director of revenue of the action  
4 [at least ninety days] prior to the effective date of the repeal  
5 and the repeal shall be effective as provided by subsection 19 of  
6 section 32.087. The director of revenue may order retention in  
7 the trust fund, for a period of one year, of two percent of the  
8 amount collected after receipt of such notice to cover possible  
9 refunds or overpayment of the tax and to redeem dishonored checks  
10 and drafts deposited to the credit of such accounts. After one  
11 year has elapsed after the effective date of abolition of the tax  
12 in such city or county, the director of revenue shall remit the  
13 balance in the account to the city or county and close the  
14 account of that city or county. The director of revenue shall  
15 notify each city or county of each instance of any amount  
16 refunded or any check redeemed from receipts due the city or  
17 county.

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

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

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

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

3 (a) Acquisition of land;

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

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

7 (d) Extension of streets;

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

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

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

15 (a) Marketing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) Two members from the cities, towns, or villages within  
10 the county appointed in any manner agreed upon by the chief  
11 elected officers of the cities or villages.

12

13 Of the members initially appointed, three shall be designated to  
14 serve for terms of two years, except that when a nine-member  
15 board is designated, seven of the members initially appointed  
16 shall be designated to serve for terms of two years, and the  
17 remaining members shall be designated to serve for a term of four  
18 years from the date of such initial appointments. Thereafter,  
19 the members appointed shall serve for a term of four years,  
20 except that all vacancies shall be filled for unexpired terms in  
21 the same manner as were the original appointments.

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

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

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

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

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

28             (2) The board establishes an agreement with the governing



1 bodies of all cities and counties in which the plan, project or  
2 area designation is located detailing the authority and  
3 responsibilities of each governing body with regard to the plan,  
4 project or area designation.

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

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

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

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

28 (2) A statement of the total economic development sales tax

1 revenues received during the immediately preceding calendar year;

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

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

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

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

20  YES  NO

21  
22 If a majority of the votes cast on the proposal are in favor of  
23 the repeal, that repeal shall become effective [on December  
24 thirty-first of the calendar year in which such repeal was  
25 approved] as provided by subsection 19 of section 32.087. If a  
26 majority of the votes cast on the question by the qualified  
27 voters voting thereon are opposed to the repeal, then the sales  
28 tax authorized in this section shall remain effective until the

1 question is resubmitted under this section to the qualified  
2 voters of the city or county, and the repeal is approved by a  
3 majority of the qualified voters voting on the question.

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

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

27 67.1545. 1. Any district formed as a political subdivision  
28 may impose by resolution a district sales and use tax on all

1 retail sales made in such district which are subject to taxation  
2 pursuant to sections 144.010 to [144.525] 144.527, except sales  
3 of motor vehicles, trailers, boats [or], outboard motors [and  
4 sales to or by public utilities and providers of communications,  
5 cable, or video services], electricity, piped natural or  
6 artificial gas, or other fuels delivered by the seller. Any  
7 sales and use tax imposed pursuant to this section may be imposed  
8 in increments of one-eighth of one percent, up to a maximum of  
9 one percent. Such district sales and use tax may be imposed for  
10 any district purpose designated by the district in its ballot of  
11 submission to its qualified voters; except that, no resolution  
12 adopted pursuant to this section shall become effective unless  
13 the board of directors of the district submits to the qualified  
14 voters of the district, by mail-in ballot, a proposal to  
15 authorize a sales and use tax pursuant to this section. If a  
16 majority of the votes cast by the qualified voters on the  
17 proposed sales tax are in favor of the sales tax, then the  
18 resolution is adopted. If a majority of the votes cast by the  
19 qualified voters are opposed to the sales tax, then the  
20 resolution is void.

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

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

28  YES  NO

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

4           3. Within ten days after the qualified voters have approved  
5 the imposition of the sales and use tax, the district shall, in  
6 accordance with section 32.087, notify the director of the  
7 department of revenue. The sales and use tax authorized by this  
8 section shall become effective [on the first day of the second  
9 calendar quarter after the director of the department of revenue  
10 receives notice of the adoption of such tax] as provided by  
11 subsection 19 of section 32.087.

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

24           5. In each district in which a sales and use tax is imposed  
25 pursuant to this section, every retailer shall add such  
26 additional tax imposed by the district to such retailer's sale  
27 price, and when so added such tax shall constitute a part of the  
28 purchase price, shall be a debt of the purchaser to the retailer

1 until paid and shall be recoverable at law in the same manner as  
2 the purchase price.

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

9 7.] The penalties provided in sections 144.010 to [144.525]  
10 144.527 shall apply to violations of this section.

11 [8.] 7. All revenue received by the district from a sales  
12 and use tax imposed pursuant to this section which is designated  
13 for a specific purpose shall be deposited into a special trust  
14 fund and expended solely for such purpose. Upon the expiration  
15 of any sales and use tax adopted pursuant to this section, all  
16 funds remaining in the special trust fund shall continue to be  
17 used solely for the specific purpose designated in the resolution  
18 adopted by the qualified voters. Any funds in such special trust  
19 fund which are not needed for current expenditures may be  
20 invested by the board of directors pursuant to applicable laws  
21 relating to the investment of other district funds.

22 [9.] 8. A district may repeal by resolution any sales and  
23 use tax imposed pursuant to this section before the expiration  
24 date of such sales and use tax unless the repeal of such sales  
25 and use tax will impair the district's ability to repay any  
26 liabilities the district has incurred, moneys the district has  
27 borrowed or obligation the district has issued to finance any  
28 improvements or services rendered for the district.

1           [10.] 9. Notwithstanding the provisions of chapter 115, an  
2 election for a district sales and use tax under this section  
3 shall be conducted in accordance with the provisions of this  
4 section.

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

8           67.1712. 1. The governing body of any county located  
9 within the proposed metropolitan district is hereby authorized to  
10 impose by ordinance a one-tenth of one cent sales tax on all  
11 retail sales subject to taxation pursuant to sections 144.010 to  
12 [144.525] 144.527 for the purpose of funding the creation,  
13 operation and maintenance of a metropolitan park and recreation  
14 district.

15           2. In addition to the tax authorized in subsection 1 of  
16 this section, the governing body of any county located within the  
17 metropolitan district as of January 1, 2012, is authorized to  
18 impose by ordinance an incremental sales tax of up to  
19 three-sixteenths of one cent on all retail sales subject to  
20 taxation under sections 144.010 to [144.525] 144.527 for the  
21 purpose of funding the operation and maintenance of the  
22 metropolitan park and recreation district. Such incremental  
23 sales tax shall not be implemented unless approved by the voters  
24 of the county with the largest population within the district and  
25 at least one other such county under subsection 2 of section  
26 67.1715.

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

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

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

20 67.1775. 1. The governing body of a city not within a  
21 county, or any county of this state may, after voter approval  
22 under this section, levy a sales tax not to exceed one-quarter of  
23 a cent in the county or city, or city not within a county, on all  
24 retail sales made in the city or county which are subject to  
25 sales tax under sections 144.010 to 144.527 for the purpose of  
26 providing services described in section 210.861, including  
27 counseling, family support, and temporary residential services to  
28 persons nineteen years of age or less. The question shall be



1 submitted to the qualified voters of the county or city, or city  
2 not within a county, at a county or city or state general,  
3 primary or special election upon the motion of the governing body  
4 of the county or city, or city not within a county or upon the  
5 petition of eight percent of the qualified voters of the county  
6 or city, or city not within a county, determined on the basis of  
7 the number of votes cast for governor in such county at the last  
8 gubernatorial election held prior to the filing of the petition.  
9 The election officials of the county or city, or city not within  
10 a county, shall give legal notice as provided in chapter 115.  
11 The question shall be submitted in substantially the following  
12 form:

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

19  YES  NO

20  
21 If a majority of the votes cast on the question by the qualified  
22 voters voting thereon are in favor of the question, then the  
23 ordinance or order and any amendments thereto shall be in effect  
24 [on the first day of the second calendar quarter after the  
25 director receives notification of the local sales tax] as  
26 provided by subsection 19 of section 32.087. If a question  
27 receives less than the required majority, then the governing  
28 authority of the city or county, or city not within a county,

1 shall have no power to impose the sales tax unless and until the  
2 governing authority of the city or county, or city not within a  
3 county, has submitted another question to authorize the  
4 imposition of the sales tax authorized by this section and such  
5 question is approved by the required majority of the qualified  
6 voters voting thereon. However, in no event shall a question  
7 under this section be submitted to the voters sooner than twelve  
8 months from the date of the last question under this section.

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

20 3. All sales taxes collected by the director of revenue  
21 under this section on behalf of any city or county, or city not  
22 within a county[, less one percent for the cost of collection,  
23 which shall be deposited in the state's general revenue fund  
24 after payment of premiums for surety bonds as provided in section  
25 32.087,] shall be deposited with the state treasurer in a special  
26 fund, which is hereby created, to be known as the "Community  
27 Children's Services Fund". [The moneys in the city or county, or  
28 city not within a county, community children's services fund

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

17 4. The director of revenue may authorize the state  
18 treasurer to make refunds from the amounts in the fund and  
19 credited to any city or county, or city not within a county, for  
20 erroneous payments and overpayments made, and may redeem  
21 dishonored checks and drafts deposited to the credit of such  
22 counties. Each city or county, or city not within a county,  
23 shall notify the director of revenue [at least ninety days] prior  
24 to the effective date of the expiration of the sales tax  
25 authorized by this section and the repeal shall be effective as  
26 provided by subsection 19 of section 32.087. The director of  
27 revenue may order retention in the fund, for a period of one  
28 year, of two percent of the amount collected after receipt of

1 such notice to cover possible refunds or overpayment of such tax  
2 and to redeem dishonored checks and drafts deposited to the  
3 credit of such accounts. After one year has elapsed after the  
4 date of expiration of the tax authorized by this section in such  
5 city not within a county or such city or county, the director of  
6 revenue shall remit the balance in the account to the city or  
7 county, or city not within a county, and close the account of  
8 that city or county, or city not within a county. The director  
9 of revenue shall notify each city or county, or city not within a  
10 county, of each instance of any amount refunded or any check  
11 redeemed from receipts due the city or county.

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

15 6. All revenues generated by the tax prescribed in this  
16 section shall be deposited in the county treasury or, in a city  
17 not within a county, to the board established by law to  
18 administer such fund to the credit of a special community  
19 children's services fund to accomplish the purposes set out  
20 herein and in section 210.861, and shall be used for no other  
21 purpose. Such fund shall be administered by a board of  
22 directors, established under section 210.861.

23 67.1959. 1. The board, by a majority vote, may submit to  
24 the residents of such district a tax of not more than one percent  
25 on all retail sales, except sales of [food as defined in section  
26 144.014, sales of] new or used motor vehicles, trailers, boats,  
27 or other outboard motors[, all utilities, telephone and wireless  
28 services, and sales of funeral services,] made on or after

1 January 1, 2021, within the district which are subject to  
2 taxation pursuant to the provisions of sections 144.010 to  
3 ~~[144.525]~~ 144.527. Upon the written request of the board to the  
4 election authority of the county in which a majority of the area  
5 of the district is situated, such election authority shall submit  
6 a proposition to the residents of such district at a municipal or  
7 statewide primary or general election, or at a special election  
8 called for that purpose. Such election authority shall give  
9 legal notice as provided in chapter 115.

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

12 Shall the Tourism Community Enhancement District impose a  
13 sales tax of \_\_\_\_\_ (insert amount) for the purpose of promoting  
14 tourism in the district?

15  YES  NO

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

19  
20 If a majority of the votes cast on the proposal by the qualified  
21 voters of the proposed district voting thereon are in favor of  
22 the proposal, then the order shall become effective [on the first  
23 day of the second calendar quarter after the director of revenue  
24 receives notice of adoption of the tax] as provided in subsection  
25 19 of section 32.087. If the proposal receives less than the  
26 required majority, then the board shall have no power to impose  
27 the sales tax authorized pursuant to this section unless and  
28 until the board shall again have submitted another proposal to

1 authorize the board to impose the sales tax authorized by this  
2 section and such proposal is approved by the required majority of  
3 the qualified voters of the district.

4 3. Except as modified by this section, all provisions of  
5 sections 32.085 to 32.087 shall apply to the tax imposed under  
6 this section.

7 67.2000. 1. This section shall be known as the "Exhibition  
8 Center and Recreational Facility District Act".

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

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

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

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

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

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

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

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

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

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

12           (10) Any county of the first classification with more than  
13 two hundred forty thousand three hundred but less than two  
14 hundred forty thousand four hundred inhabitants;

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

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

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

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

27           3. Whenever not less than fifty owners of real property  
28 located within any county listed in subsection 2 of this section

1 desire to create an exhibition center and recreational facility  
2 district, the property owners shall file a petition with the  
3 governing body of each county located within the boundaries of  
4 the proposed district requesting the creation of the district.  
5 The district boundaries may include all or part of the counties  
6 described in this section. The petition shall contain the  
7 following information:

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

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

12 (3) The name of the proposed district.

13 4. Upon the filing of a petition pursuant to this section,  
14 the governing body of any county described in this section may,  
15 by resolution, approve the creation of a district. Any  
16 resolution to establish such a district shall be adopted by the  
17 governing body of each county located within the proposed  
18 district, and shall contain the following information:

19 (1) A description of the boundaries of the proposed  
20 district;

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

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

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

27 5. Whenever a hearing is held as provided by this section,  
28 the governing body of each county located within the proposed



1 district shall:

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

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

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

12 6. Following the hearing, if the governing body of each  
13 county located within the proposed district decides to establish  
14 the proposed district, it shall adopt an order to that effect; if  
15 the governing body of any county located within the proposed  
16 district decides to not establish the proposed district, the  
17 boundaries of the proposed district shall not include that  
18 county. The order shall contain the following:

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

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

22 (3) The name of the district;

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

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

27 7. A district established pursuant to this section may, at  
28 a general, primary, or special election, submit to the qualified

1 voters within the district boundaries a sales tax of one-fourth  
2 of one percent, for a period not to exceed twenty-five years, on  
3 all retail sales within the district, which are subject to  
4 taxation pursuant to sections 144.010 to ~~[144.525]~~ 144.527, to  
5 fund the acquisition, construction, maintenance, operation,  
6 improvement, and promotion of an exhibition center and  
7 recreational facilities. The ballot of submission shall be in  
8 substantially the following form:

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

14  YES  NO

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

18  
19 If a majority of the votes cast in the portion of any county that  
20 is part of the proposed district favor the proposal, then the  
21 sales tax shall become effective in that portion of the county  
22 **[that is part of the proposed district on the first day of the**  
23 **first calendar quarter immediately following the election]** as  
24 provided by subsection 19 of section 32.087. If a majority of  
25 the votes cast in the portion of a county that is a part of the  
26 proposed district oppose the proposal, then that portion of such  
27 county shall not impose the sales tax authorized in this section  
28 until after the county governing body has submitted another such

1 sales tax proposal and the proposal is approved by a majority of  
2 the qualified voters voting thereon. However, if a sales tax  
3 proposal is not approved, the governing body of the county shall  
4 not resubmit a proposal to the voters pursuant to this section  
5 sooner than twelve months from the date of the last proposal  
6 submitted pursuant to this section. If the qualified voters in  
7 two or more counties that have contiguous districts approve the  
8 sales tax proposal, the districts shall combine to become one  
9 district.

10 8. There is hereby created a board of trustees to  
11 administer any district created and the expenditure of revenue  
12 generated pursuant to this section consisting of four individuals  
13 to represent each county approving the district, as provided in  
14 this subsection. The governing body of each county located  
15 within the district, upon approval of that county's sales tax  
16 proposal, shall appoint four members to the board of trustees; at  
17 least one shall be an owner of a nonlodging business located  
18 within the taxing district, or their designee, at least one shall  
19 be an owner of a lodging facility located within the district, or  
20 their designee, and all members shall reside in the district  
21 except that one nonlodging business owner, or their designee, and  
22 one lodging facility owner, or their designee, may reside outside  
23 the district. Each trustee shall be at least twenty-five years  
24 of age and a resident of this state. Of the initial trustees  
25 appointed from each county, two shall hold office for two years,  
26 and two shall hold office for four years. Trustees appointed  
27 after expiration of the initial terms shall be appointed to a  
28 four-year term by the governing body of the county the trustee

1 represents, with the initially appointed trustee to remain in  
2 office until a successor is appointed, and shall take office upon  
3 being appointed. Each trustee may be reappointed. Vacancies  
4 shall be filled in the same manner in which the trustee vacating  
5 the office was originally appointed. The trustees shall not  
6 receive compensation for their services, but may be reimbursed  
7 for their actual and necessary expenses. The board shall elect a  
8 chair and other officers necessary for its membership. Trustees  
9 may be removed if:

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

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

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

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

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

20 (3) To enter into contracts, franchises, and agreements  
21 with any person or entity, public or private, affecting the  
22 affairs of the district, including contracts with any  
23 municipality, district, or state, or the United States, and any  
24 of their agencies, political subdivisions, or instrumentalities,  
25 for the funding, including without limitation interest rate  
26 exchange or swap agreements, planning, development, construction,  
27 acquisition, maintenance, or operation of a single exhibition  
28 center and recreational facilities or to assist in such activity.

1 "Recreational facilities" means locations explicitly designated  
2 for public use where the primary use of the facility involves  
3 participation in hobbies or athletic activities;

4 (4) To borrow money and incur indebtedness and evidence the  
5 same by certificates, notes, or debentures, to issue bonds and  
6 use any one or more lawful funding methods the district may  
7 obtain for its purposes at such rates of interest as the district  
8 may determine. Any bonds, notes, and other obligations issued or  
9 delivered by the district may be secured by mortgage, pledge, or  
10 deed of trust of any or all of the property and income of the  
11 district. Every issue of such bonds, notes, or other obligations  
12 shall be payable out of property and revenues of the district and  
13 may be further secured by other property of the district, which  
14 may be pledged, assigned, mortgaged, or a security interest  
15 granted for such payment, without preference or priority of the  
16 first bonds issued, subject to any agreement with the holders of  
17 any other bonds pledging any specified property or revenues.  
18 Such bonds, notes, or other obligations shall be authorized by  
19 resolution of the district board, and shall bear such date or  
20 dates, and shall mature at such time or times, but not in excess  
21 of thirty years, as the resolution shall specify. Such bonds,  
22 notes, or other obligations shall be in such denomination, bear  
23 interest at such rate or rates, be in such form, either coupon or  
24 registered, be issued as current interest bonds, compound  
25 interest bonds, variable rate bonds, convertible bonds, or zero  
26 coupon bonds, be issued in such manner, be payable in such place  
27 or places, and be subject to redemption as such resolution may  
28 provide, notwithstanding section 108.170. The bonds, notes, or

1 other obligations may be sold at either public or private sale,  
2 at such interest rates, and at such price or prices as the  
3 district shall determine;

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

7 (6) To refund any bonds, notes, or other obligations of the  
8 district without an election. The terms and conditions of  
9 refunding obligations shall be substantially the same as those of  
10 the original issue, and the board shall provide for the payment  
11 of interest at not to exceed the legal rate, and the principal of  
12 such refunding obligations in the same manner as is provided for  
13 the payment of interest and principal of obligations refunded;

14 (7) To have the management, control, and supervision of all  
15 the business and affairs of the district, and the construction,  
16 installation, operation, and maintenance of district improvements  
17 therein; to collect rentals, fees, and other charges in  
18 connection with its services or for the use of any of its  
19 facilities;

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

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

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

28 (11) To have and exercise all rights and powers necessary

1 or incidental to or implied from the specific powers granted by  
2 this section.

3 10. There is hereby created the "Exhibition Center and  
4 Recreational Facility District Sales Tax Trust Fund", which shall  
5 consist of all sales tax revenue collected pursuant to this  
6 section. The director of revenue shall be custodian of the trust  
7 fund, and moneys in the trust fund shall be used solely for the  
8 purposes authorized in this section. Moneys in the trust fund  
9 shall be considered nonstate funds pursuant to Section 15,  
10 Article IV, Constitution of Missouri. The director of revenue  
11 shall invest moneys in the trust fund in the same manner as other  
12 funds are invested. Any interest and moneys earned on such  
13 investments shall be credited to the trust fund. All sales taxes  
14 collected by the director of revenue pursuant to this section on  
15 behalf of the district[, less one percent for the cost of  
16 collection which shall be deposited in the state's general  
17 revenue fund after payment of premiums for surety bonds as  
18 provided in section 32.087,] shall be deposited in the trust  
19 fund. The director of revenue shall keep accurate records of the  
20 amount of moneys in the trust fund which was collected in the  
21 district imposing a sales tax pursuant to this section, and the  
22 records shall be open to the inspection of the officers of each  
23 district and the general public. Not later than the tenth day of  
24 each month, the director of revenue shall distribute all moneys  
25 deposited in the trust fund during the preceding month to the  
26 district. The director of revenue may authorize refunds from the  
27 amounts in the trust fund and credited to the district for  
28 erroneous payments and overpayments made, and may redeem

1 dishonored checks and drafts deposited to the credit of the  
2 district.

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

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

18 [12.] 13. Any sales tax imposed pursuant to this section  
19 shall not extend past the initial term approved by the voters  
20 unless an extension of the sales tax is submitted to and approved  
21 by the qualified voters in each county in the manner provided in  
22 this section. Each extension of the sales tax shall be for a  
23 period not to exceed twenty years. The ballot of submission for  
24 the extension shall be in substantially the following form:

25 Shall the \_\_\_\_\_ (name of district) extend the sales tax of  
26 one-fourth of one percent for a period of \_\_\_\_\_ (insert number  
27 of years) years to fund the acquisition, construction,  
28 maintenance, operation, improvement, and promotion of an



1 exhibition center and recreational facilities?

2  YES  NO

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

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

14 [13.] 14. Once the sales tax authorized by this section is  
15 abolished or terminated by any means, all funds remaining in the  
16 trust fund shall be used solely for the purposes approved in the  
17 ballot question authorizing the sales tax. The sales tax shall  
18 not be abolished or terminated while the district has any  
19 financing or other obligations outstanding; provided that any new  
20 financing, debt, or other obligation or any restructuring or  
21 refinancing of an existing debt or obligation incurred more than  
22 ten years after voter approval of the sales tax provided in this  
23 section or more than ten years after any voter-approved extension  
24 thereof shall not cause the extension of the sales tax provided  
25 in this section or cause the final maturity of any financing or  
26 other obligations outstanding to be extended. Any funds in the  
27 trust fund which are not needed for current expenditures may be  
28 invested by the district in the securities described in

1 subdivisions (1) to (12) of subsection 1 of section 30.270 or  
2 repurchase agreements secured by such securities. If the  
3 district abolishes the sales tax, the district shall notify the  
4 director of revenue of the action [at least ninety days] before  
5 the effective date of the repeal, and the repeal shall be  
6 effective as provided by subsection 19 of section 32.087. The  
7 director of revenue may order retention in the trust fund, for a  
8 period of one year, of two percent of the amount collected after  
9 receipt of such notice to cover possible refunds or overpayment  
10 of the sales tax and to redeem dishonored checks and drafts  
11 deposited to the credit of such accounts. After one year has  
12 elapsed after the effective date of abolition of the sales tax in  
13 the district, the director of revenue shall remit the balance in  
14 the account to the district and close the account of the  
15 district. The director of revenue shall notify the district of  
16 each instance of any amount refunded or any check redeemed from  
17 receipts due the district.

18 [14.] 15. In the event that the district is dissolved or  
19 terminated by any means, the governing bodies of the counties in  
20 the district shall appoint a person to act as trustee for the  
21 district so dissolved or terminated. Before beginning the  
22 discharge of duties, the trustee shall take and subscribe an oath  
23 to faithfully discharge the duties of the office, and shall give  
24 bond with sufficient security, approved by the governing bodies  
25 of the counties, to the use of the dissolved or terminated  
26 district, for the faithful discharge of duties. The trustee  
27 shall have and exercise all powers necessary to liquidate the  
28 district, and upon satisfaction of all remaining obligations of

1 the district, shall pay over to the county treasurer of each  
2 county in the district and take receipt for all remaining moneys  
3 in amounts based on the ratio the levy of each county bears to  
4 the total levy for the district in the previous three years or  
5 since the establishment of the district, whichever time period is  
6 shorter. Upon payment to the county treasurers, the trustee  
7 shall deliver to the clerk of the governing body of any county in  
8 the district all books, papers, records, and deeds belonging to  
9 the dissolved district.

10 67.2030. 1. The governing authority of any city of the  
11 fourth classification with more than one thousand six hundred but  
12 less than one thousand seven hundred inhabitants and located in  
13 any county of the first classification with more than  
14 seventy-three thousand seven hundred but less than seventy-three  
15 thousand eight hundred inhabitants is hereby authorized to  
16 impose, by ordinance or order, a sales tax in the amount not to  
17 exceed one-half of one percent on all retail sales made in such  
18 city which are subject to taxation pursuant to sections 144.010  
19 to ~~[144.525]~~ 144.527 for the promotion of tourism in such city.  
20 The tax authorized by this section shall be in addition to any  
21 and all other sales taxes allowed by law, except that no  
22 ordinance or order imposing a sales tax pursuant to this section  
23 shall be effective unless the governing authority of the city  
24 submits to the qualified voters of the city, at any municipal or  
25 state general, primary, or special election, a proposal to  
26 authorize the governing authority of the city to impose a tax.

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

1            Shall the city of \_\_\_\_\_ (city's name) impose a citywide  
2 sales tax of \_\_\_\_\_ (insert amount) for the purpose of promoting  
3 tourism in the city?

4             YES                       NO

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

8  
9 If a majority of the votes cast on the proposal by the qualified  
10 voters voting thereon are in favor of the proposal, then the  
11 ordinance or order and any amendments thereto shall be in effect  
12 [on the first day of the first calendar quarter immediately  
13 following notification to the director of the department of  
14 revenue of the election approving the proposal] as provided by  
15 subsection 19 of section 32.087. If a proposal receives less  
16 than the required majority, then the governing authority of the  
17 city shall have no power to impose the sales tax unless and until  
18 the governing authority of the city has submitted another  
19 proposal to authorize the imposition of the sales tax authorized  
20 by this section and such proposal is approved by the required  
21 majority of the qualified voters voting thereon. However, in no  
22 event shall a proposal pursuant to this section be submitted to  
23 the voters sooner than twelve months from the date of the last  
24 proposal pursuant to this section.

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

28            (1) The city may adopt rules and regulations for the

1 internal collection of such tax by the city officers usually  
2 responsible for collection and administration of city taxes; or

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

17 4. If a tax is imposed by a city pursuant to this section,  
18 the city may collect a penalty of one percent and interest not to  
19 exceed two percent per month on unpaid taxes which shall be  
20 considered delinquent thirty days after the last day of each  
21 quarter] After the effective date of any tax imposed under the  
22 provisions of this section, the director of revenue shall perform  
23 all functions incident to the administration, collection,  
24 enforcement, and operation of the tax and collect, in addition to  
25 the sales tax for the state of Missouri, the additional tax  
26 authorized under the authority of this section. The tax imposed  
27 under this section and the tax imposed under the sales tax law of  
28 the state of Missouri shall be collected together and reported

1 upon such forms and under such administrative rules and  
2 regulations as may be prescribed by the director of revenue.

3 [5.] 4. (1) The governing authority of any city that has  
4 adopted any sales tax pursuant to this section shall, upon filing  
5 of a petition calling for the repeal of such sales tax signed by  
6 at least ten percent of the qualified voters in the city, submit  
7 the question of repeal of the sales tax to the qualified voters  
8 at any primary or general election. The ballot of submission  
9 shall be in substantially the following form:

10 Shall \_\_\_\_\_ (insert name of city) repeal the sales tax of  
11 \_\_\_\_\_ (insert rate of percent) percent for tourism purposes now  
12 in effect in \_\_\_\_\_ (insert name of city)?

13  YES  NO

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

17  
18 If a majority of the votes cast on the proposal are in favor of  
19 repeal, that repeal shall become effective [on December  
20 thirty-first of the calendar year in which such repeal was  
21 approved] as provided by subsection 19 of section 32.087. If the  
22 city or county abolishes the tax, the city or county shall notify  
23 the director of revenue of the action prior to the effective date  
24 of the repeal.

25 (2) Once the tax is repealed as provided in this section,  
26 all funds remaining in any trust fund or account established to  
27 receive revenues generated by the tax shall be used solely for  
28 the original stated purpose of the tax. Any funds which are not

1 needed for current expenditures may be invested by the governing  
2 authority in accordance with applicable laws relating to the  
3 investment of other city funds.

4 (3) The governing authority of a city repealing a tax  
5 pursuant to this section shall notify the director of revenue of  
6 the action [at least forty-five days before] prior to the  
7 effective date of the repeal and the repeal shall be effective as  
8 provided by subsection 19 of section 32.087. The director of  
9 revenue may order retention in any trust fund created in the  
10 state treasury associated with the tax, for a period of one year,  
11 of two percent of the amount collected after receipt of such  
12 notice to cover refunds or overpayment of the tax and to redeem  
13 dishonored checks and drafts deposited to the credit of such  
14 accounts. After one year has elapsed after the effective date of  
15 repeal of the tax in the city, the director of revenue shall  
16 remit the balance in the trust fund to the city and close the  
17 account of that city. The director of revenue shall notify each  
18 city of each instance of any amount refunded or any check  
19 redeemed from receipts due the city.

20 (4) In the event that the repeal of a sales tax pursuant to  
21 this section dissolves or terminates a taxing district, the  
22 governing authority of the city shall appoint a person to act as  
23 trustee for the district so dissolved or terminated. Before  
24 beginning the discharge of duties, the trustee shall take and  
25 subscribe an oath to faithfully discharge the duties of the  
26 office, and shall give bond with sufficient security, approved by  
27 the governing authority of the city, to the use of the dissolved  
28 or terminated district, for the faithful discharge of duties.

1 The trustee shall have and exercise all powers necessary to  
2 liquidate the district, and upon satisfaction of all remaining  
3 obligations of the district, shall pay over to the city treasurer  
4 or the equivalent official and take receipt for all remaining  
5 moneys. Upon payment to the city treasurer, the trustee shall  
6 deliver to the clerk of the governing authority of the city all  
7 books, papers, records, and deeds belonging to the dissolved  
8 district.

9 [6.] 5. Except as modified in this section, all provisions  
10 of sections 32.085 [and] to 32.087 shall apply to the tax imposed  
11 pursuant to this section.

12 67.2525. 1. Each member of the board of directors shall  
13 have the following qualifications:

14 (1) As to those subdistricts in which there are registered  
15 voters, a resident registered voter in the subdistrict that he or  
16 she represents, or be a property owner or, as to those  
17 subdistricts in which there are not registered voters who are  
18 residents, a property owner or representative of a property owner  
19 in the subdistrict he or she represents;

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

22 2. The district shall be subdivided into at least five but  
23 not more than fifteen subdistricts, which shall be represented by  
24 one representative on the district board of directors. All board  
25 members shall have terms of four years, including the initial  
26 board of directors. All members shall take office upon being  
27 appointed and shall remain in office until a successor is  
28 appointed by the mayor or chairman of the municipality in which



1 the district is located, or elected by the property owners in  
2 those subdistricts without registered voters.

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

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

23 5. The property owners, when assembled, shall organize by  
24 the election of a temporary chairman and secretary of the meeting  
25 who shall conduct the election. An election shall be conducted  
26 for each subdistrict, with the eligible property owners voting in  
27 that subdistrict. At the election, each acre of real property  
28 within the subdistrict shall represent one share, and each owner,

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

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

23 7. Should a vacancy occur on the board of directors, the  
24 mayor or chairman of the city, town, or village if there are  
25 registered voters within the subdistrict, or a majority of the  
26 owners of real property in a subdistrict if there are not  
27 registered voters in the subdistrict, shall have the authority to  
28 appoint or elect, as set forth in this section, an interim

1 director to complete any unexpired term of a director caused by  
2 resignation or disqualification.

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

5 (1) The power to fund, promote and provide educational,  
6 civic, musical, theatrical, cultural, concerts, lecture series,  
7 and related or similar entertainment events or activities, and  
8 fund, promote, plan, design, construct, improve, maintain, and  
9 operate public improvements, transportation projects, and related  
10 facilities within the district;

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

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

14 9. Within thirty days after the selection of the initial  
15 directors, the board shall meet. At its first meeting and  
16 annually thereafter the board shall elect a chairman from its  
17 members.

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

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

24 12. A simple majority of the board shall constitute a  
25 quorum. If a quorum exists, a majority of those voting shall  
26 have the authority to act in the name of the board, and approve  
27 any board resolution.

28 13. At the first meeting, the board, by resolution, shall

1 receive the certification of the election regarding the sales  
2 tax, and may impose the sales tax in all subdistricts approving  
3 the imposing sales tax. In those subdistricts that approve the  
4 sales tax, the sales tax shall become effective [on the first day  
5 of the first calendar quarter immediately following the action by  
6 the district board of directors imposing the tax] as provided by  
7 section 32.087.

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

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

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

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

21 (3) To enter into contracts, franchises, and agreements  
22 with any person or entity, public or private, affecting the  
23 affairs of the district, including contracts with any  
24 municipality, district, or state, or the United States, and any  
25 of their agencies, political subdivisions, or instrumentalities,  
26 for the funding, including without limitation, interest rate  
27 exchange or swap agreements, planning, development, construction,  
28 acquisition, maintenance, or operation of a district facility or

1 to assist in such activity;

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

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

6 (6) To collect taxes and other revenues;

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

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

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

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

21 (11) To enter into entertainment contracts binding the  
22 district and artists, agencies, or performers, management  
23 contracts, contracts relating to the booking of entertainment and  
24 the sale of tickets, and all other contracts which relate to the  
25 purposes of the district;

26 (12) To contract with a local government, a corporation,  
27 partnership, or individual regarding funding, promotion,  
28 planning, designing, constructing, improving, maintaining, or

1 operating a project or to assist in such activity;

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

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

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

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

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

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

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

22 (5) Shall be in such denomination, bear interest at such  
23 rates, be in such form, be issued as current interest bonds,  
24 compound interest bonds, variable rate bonds, convertible bonds,  
25 or zero coupon bonds, be issued in such manner, be payable in  
26 such place or places and subject to redemption as such resolution  
27 may provide; and

28 (6) May be sold at either public or private sale, at such

1 interest rates, and at such price or prices as the district shall  
2 determine.

3  
4 The provisions of this subsection are applicable to the district  
5 notwithstanding the provisions of section 108.170.

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

21 2. Notes, bonds, or other indebtedness of the district  
22 shall be exclusively the responsibility of the district payable  
23 solely out of the district funds and property and shall not  
24 constitute a debt or liability of the state of Missouri or any  
25 agency or political subdivision of the state. Any notes, bonds,  
26 or other indebtedness of the district shall state on their face  
27 that they are not obligations of the state of Missouri or any  
28 agency or political subdivision thereof other than the district.

1           3. Any district may by resolution impose a district sales  
2 tax of up to one-half of one percent on all retail sales made in  
3 such district that are subject to taxation pursuant to the  
4 provisions of sections 144.010 to [~~144.525~~] 144.527. Upon voter  
5 approval, and receiving the necessary certifications from the  
6 governing body of the municipality in which the district is  
7 located, or from the circuit court if the district was formed by  
8 the circuit court, the board of directors shall have the power to  
9 impose a sales tax at its first meeting, or any meeting  
10 thereafter. Voter approval of the question of the imposing sales  
11 tax shall be in accordance with section 67.2520. [The sales tax  
12 shall become effective in those subdistricts that approve the  
13 sales tax on the first day of the first calendar quarter  
14 immediately following the passage of a resolution by the board of  
15 directors imposing the sales tax.

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

23           5. In order to permit sellers required to collect and  
24 report the sales tax authorized by this section to collect the  
25 amount required to be reported and remitted, but not to change  
26 the requirements of reporting or remitting tax or to serve as a  
27 levy of the tax, and in order to avoid fractions of pennies, the  
28 district may establish appropriate brackets which shall be used



1 in the district imposing a tax pursuant to this section in lieu  
2 of those brackets provided in section 144.285.

3 6.] 4. All revenue received by a district from the sales  
4 tax authorized by this section shall be deposited in a special  
5 trust fund and shall be used solely for the purposes of the  
6 district. Any funds in such special trust fund which are not  
7 needed for the district's current expenditures may be invested by  
8 the district board of directors in accordance with applicable  
9 laws relating to the investment of other district funds.

10 [7.] 5. The sales tax may be imposed at a rate of up to  
11 one-half of one percent on the receipts from the sale at retail  
12 of all [tangible personal property or taxable services] sales at  
13 retail within the district adopting such tax, if such property  
14 and services are subject to taxation by the state of Missouri  
15 pursuant to the provisions of sections 144.010 to [144.525]  
16 144.527. Any district sales tax imposed pursuant to this section  
17 shall be imposed at a rate that shall be uniform throughout the  
18 subdistricts approving the sales tax.

19 [8. The resolution imposing the sales tax pursuant to this  
20 section shall impose upon all sellers a tax for the privilege of  
21 engaging in the business of selling tangible personal property or  
22 rendering taxable services at retail to the extent and in the  
23 manner provided in sections 144.010 to 144.525 and the rules and  
24 regulations of the director of revenue issued pursuant thereto;  
25 except that the rate of the tax shall be the rate imposed by the  
26 resolution as the sales tax and the tax shall be reported and  
27 returned to and collected by the district.

28 9. (1) On and after the effective date of any sales tax

1 imposed pursuant to this section, the district shall perform all  
2 functions incident to the administration, collection,  
3 enforcement, and operation of the tax. The sales tax imposed  
4 pursuant to this section shall be collected and reported upon  
5 such forms and under such administrative rules and regulations as  
6 may be prescribed by the district.

7 (2)]

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

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

24 [(3) The district may contract with the municipality that  
25 the district is within for the municipality to collect any  
26 revenue received by the district and, after deducting the cost of  
27 such collection, but not to exceed one percent of the total  
28 amount collected, deposit such revenue in a special trust

1 account. Such revenue and interest may be applied by the  
2 municipality to expenses, costs, or debt service of the district  
3 at the direction of the district as set forth in a contract  
4 between the municipality and the district.

5 10. (1) All applicable provisions contained in sections  
6 144.010 to 144.525 governing the state sales tax, sections 32.085  
7 and 32.087, and section 32.057, the uniform confidentiality  
8 provision, shall apply to the collection of the tax imposed by  
9 this section, except as modified in this section.

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

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

24 (4) All discounts allowed the retailer pursuant to the  
25 provisions of the state sales tax laws for the collection of and  
26 for payment of taxes pursuant to such laws are hereby allowed and  
27 made applicable to any taxes collected pursuant to the provisions  
28 of this section.

1           (5) The penalties provided in section 32.057 and sections  
2 144.010 to 144.525 for violation of those sections are hereby  
3 made applicable to violations of this section.

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

18           (7)] 8. Subsequent to the initial approval by the voters  
19 and implementation of a sales tax in the district, the rate of  
20 the sales tax may be increased, but not to exceed a rate of  
21 one-half of one percent on retail sales made in the district  
22 which are subject to sales tax under sections 144.010 to 144.527  
23 as provided in this subsection. The election shall be conducted  
24 in accordance with section 67.2520; provided, however, that the  
25 district board of directors may place the question of the  
26 increase of the sales tax before the voters of the district by  
27 resolution, and the municipal clerk of the city, town, or village  
28 which originally conducted the incorporation of the district, or

1 the circuit clerk of the court which originally conducted the  
2 incorporation of the district, shall conduct the subsequent  
3 election. In subsequent elections, the election judges shall  
4 certify the election results to the district board of directors.  
5 The ballot of submission shall be in substantially the following  
6 form:

7 Shall \_\_\_\_\_ (name of district) increase the \_\_\_\_\_ (insert  
8 amount) percent district sales tax now in effect to \_\_\_\_\_  
9 (insert amount) in the \_\_\_\_\_ (name of district)?

10  YES  NO

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

14  
15 If a majority of the votes cast on the proposal by the qualified  
16 voters of the district voting thereon are in favor of the  
17 increase, the increase shall become effective [December  
18 thirty-first of the calendar year in which such increase was  
19 approved] as provided by subsection 19 of section 32.087.

20 [11.] 9. (1) There shall not be any election as provided  
21 for in this section while the district has any financing or other  
22 obligations outstanding.

23 (2) The board, when presented with a petition signed by at  
24 least one-third of the registered voters in a district that voted  
25 in the last gubernatorial election, or signed by at least  
26 two-thirds of property owners of the district, calling for an  
27 election to dissolve and repeal the tax shall submit the question  
28 to the voters using the same procedure by which the imposing tax

1 was voted. The ballot of submission shall be in substantially  
2 the following form:

3 Shall \_\_\_\_\_ (name of district) dissolve and repeal the  
4 \_\_\_\_\_ (insert amount) percent district sales tax now in effect  
5 in the \_\_\_\_\_ (name of district)?

6  YES  NO

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

10

11 Such subsequent elections for the repeal of the sales tax shall  
12 be conducted in accordance with section 67.2520; provided,  
13 however, that the district board of directors may place the  
14 question of the repeal of the sales tax before the voters of the  
15 district, and the municipal clerk of the city, town, or village  
16 which originally conducted the incorporation of the district, or  
17 the circuit clerk of the court which originally conducted the  
18 incorporation of the district, shall conduct the subsequent  
19 election. In subsequent elections the election judges shall  
20 certify the election results to the district board of directors.

21 (3) If a majority of the votes cast on the proposal by the  
22 qualified voters of the district voting thereon are in favor of  
23 repeal, that repeal shall become effective [December thirty-first  
24 of the calendar year in which such repeal was approved or after  
25 the repayment of the district's indebtedness, whichever occurs  
26 later] as provided by subsection 19 of section 32.087. If the  
27 district abolishes the tax, the district shall notify the  
28 director of revenue of the action prior to the effective date of

1 the repeal and the repeal shall be effective as provided by  
2 subsection 19 of section 32.087.

3 [12.] 10. (1) At such time as the board of directors of  
4 the district determines that further operation of the district is  
5 not in the best interests of the inhabitants of the district, and  
6 that the district should dissolve, the board shall submit for a  
7 vote in an election held throughout the district the question of  
8 whether the district should be abolished. The question shall be  
9 submitted in substantially the following form:

10 Shall the \_\_\_\_\_ theater, cultural arts, and entertainment  
11 district be abolished?

12  YES  NO

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

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

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

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

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

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

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

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

24 (d) Cause copies of that resolution under seal to be filed  
25 with the secretary of state and the city, town, or village in  
26 which the district is located.

27  
28 Upon the completion of the final act specified in this



1 subsection, the legal existence of the district shall cease.

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

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

7 94.578. 1. In addition to the sales tax authorized in  
8 section 94.577, the governing body of any home rule city with  
9 more than one hundred fifty-one thousand five hundred but less  
10 than one hundred fifty-one thousand six hundred inhabitants is  
11 hereby authorized to impose, by order or ordinance, a sales tax  
12 on all retail sales made within the city which are subject to  
13 sales tax under [chapter 144] sections 144.010 to 144.527. The  
14 tax authorized in this section may be imposed at a rate of  
15 one-eighth, one-fourth, three-eighths, or one-half of one  
16 percent, but shall not exceed one-half of one percent, shall not  
17 be imposed for longer than three years, and shall be imposed  
18 solely for the purpose of funding the construction, operation,  
19 and maintenance of capital improvements in the city's center  
20 city. The governing body may issue bonds for the funding of such  
21 capital improvements, which will be retired by the revenues  
22 received from the sales tax authorized by this section. The  
23 order or ordinance shall not become effective unless the  
24 governing body of the city submits to the voters residing within  
25 the city at a state or municipal general, primary, or special  
26 election a proposal to authorize the governing body of the city  
27 to impose a tax under this section. The tax authorized in this  
28 section shall be in addition to all other sales taxes imposed by

1 law, and shall be stated separately from all other charges and  
2 taxes.

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

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

10  YES  NO

11 If a majority of the votes cast on the question by the qualified  
12 voters voting thereon are in favor of the question, then the tax  
13 shall become effective [on the first day of the second calendar  
14 quarter after the director of revenue receives notice of the  
15 adoption of the sales tax] as provided by subsection 19 of  
16 section 32.087. If a majority of the votes cast on the question  
17 by the qualified voters voting thereon are opposed to the  
18 question, then the tax shall not become effective unless and  
19 until the question is resubmitted under this section to the  
20 qualified voters and such question is approved by a majority of  
21 the qualified voters voting on the question. In no case shall a  
22 tax be resubmitted to the qualified voters of the city sooner  
23 than twelve months from the date of the proposal under this  
24 section.

25 3. Any sales tax imposed under this section shall be  
26 administered, collected, enforced, and operated as required in  
27 [section] sections 32.085 to 32.087. All revenue generated by  
28 the tax shall be deposited in a special trust fund and shall be

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

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

26 5. The governing body of any city that has adopted the  
27 sales tax authorized in this section may submit the question of  
28 repeal of the tax to the voters on any date available for

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

3 Shall \_\_\_\_\_ (insert the name of the city) repeal the sales  
4 tax imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent  
5 for capital improvements purposes in the city's center city?

6  YES  NO

7 If a majority of the votes cast on the proposal are in favor of  
8 repeal, that repeal shall become effective [on December  
9 thirty-first of the calendar year in which such repeal was  
10 approved] as provided by subsection 19 of section 32.087. If a  
11 majority of the votes cast on the question by the qualified  
12 voters voting thereon are opposed to the repeal, then the sales  
13 tax authorized in this section shall remain effective until the  
14 question is resubmitted under this section to the qualified  
15 voters, and the repeal is approved by a majority of the qualified  
16 voters voting on the question. If the city or county abolishes  
17 the tax, the city or county shall notify the director of revenue  
18 of the action prior to the effective date of the repeal.

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

1 subsection 19 of section 32.087. If a majority of the votes cast  
2 on the question by the qualified voters voting thereon are  
3 opposed to the repeal, then the tax shall remain effective until  
4 the question is resubmitted under this section to the qualified  
5 voters and the repeal is approved by a majority of the qualified  
6 voters voting on the question.

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

10 94.605. 1. Any city as defined in section 94.600 may by a  
11 majority vote of its governing body impose a sales tax for  
12 transportation purposes enumerated in sections 94.600 to 94.655.

13 2. The sales tax may be imposed at a rate not to exceed  
14 one-half of one percent on [the receipts from the sale at] all  
15 retail [of all tangible personal property or taxable services at  
16 retail] sales within any city adopting such tax, if such property  
17 and services are subject to taxation by the state of Missouri  
18 under the provisions of sections 144.010 to [144.525] 144.527.

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

1 sales tax imposed in such city under sections 94.600 to 94.655  
2 for constructing and operating a light-rail transit system shall  
3 not be considered economic activity taxes as such term is defined  
4 under sections 99.805 and 99.918, and tax revenues derived from  
5 such tax shall not be subject to allocation under the provisions  
6 of subsection 3 of section 99.845 or subsection 4 of section  
7 99.957.

8 4. [If the boundaries of a city in which such sales tax has  
9 been imposed shall thereafter be changed or altered, the city or  
10 county clerk shall forward to the director of revenue by United  
11 States registered mail or certified mail a certified copy of the  
12 ordinance adding or detaching territory from the city. The  
13 ordinance shall reflect the effective date thereof, and shall be  
14 accompanied by a map of the city clearly showing the territory  
15 added thereto or detached therefrom. Upon receipt of the  
16 ordinance and map, the tax imposed by sections 94.600 to 94.655  
17 shall be effective in the added territory or abolished in the  
18 detached territory on the effective date of the change of the  
19 city boundary] Except as modified by this section, all provisions  
20 of sections 32.085 to 32.087 shall apply to the tax imposed under  
21 this section.

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

1           2. Any sales tax approved under this section shall be  
2 imposed on [the receipts from the sale at] all retail [of all  
3 tangible personal property or taxable services] sales within the  
4 city or county adopting the tax, if such property and services  
5 are subject to taxation by the state of Missouri under sections  
6 144.010 to [144.525] 144.527.

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

9           Shall the county/city of \_\_\_\_\_ (county's or city's name)  
10 impose a county/city-wide sales tax of \_\_\_\_\_ percent for the  
11 purpose of providing a source of funds for public transportation  
12 purposes?

13                    YES                    NO

14  
15 Except as provided in subsection 4 of this section, if a majority  
16 of the votes cast in that county or city not within a county on  
17 the proposal by the qualified voters voting thereon are in favor  
18 of the proposal, then the tax shall go into effect [on the first  
19 day of the next calendar quarter beginning after its adoption and  
20 notice to the director of revenue, but no sooner than thirty days  
21 after such adoption and notice] as provided by subsection 19 of  
22 section 32.087. If a majority of the votes cast in that county  
23 or city not within a county by the qualified voters voting are  
24 opposed to the proposal, then the additional sales tax shall not  
25 be imposed in that county or city not within a county unless and  
26 until the governing body of that county or city not within a  
27 county shall have submitted another proposal to authorize the  
28 local option transportation sales tax authorized in this section,

1 and such proposal is approved by a majority of the qualified  
2 voters voting on it. In no event shall a proposal pursuant to  
3 this section be submitted to the voters sooner than twelve months  
4 from the date of the last proposal.

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

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

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



1 inspection by officers of the city or county and the public. Not  
2 later than the tenth day of each month the director of revenue  
3 shall distribute all moneys deposited in the trust fund during  
4 the preceding month to the city or county which levied the tax,  
5 and such funds shall be deposited with the treasurer of each such  
6 city or county and all expenditures of funds arising from the  
7 county public transit sales tax trust fund shall be by an  
8 appropriation act to be enacted by the governing body of each  
9 such county or city not within a county.

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

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

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

5 9. Except as modified by this section, all provisions of  
6 sections 32.085 to 32.087 shall apply to the tax imposed under  
7 this section.

8 94.705. 1. Any city may by a majority vote of its  
9 governing body impose a sales tax on all retail sales made in the  
10 city which are subject to sales tax under sections 144.010 to  
11 144.527 for transportation purposes enumerated in sections 94.700  
12 to 94.755, and issue bonds for transportation purposes which  
13 shall be retired by the revenues received from the sales tax  
14 authorized by this section. The tax authorized by this section  
15 shall be in addition to any and all other sales taxes allowed by  
16 law. No ordinance imposing a sales tax pursuant to the  
17 provisions of this section shall become effective unless the  
18 council or other governing body submits to the voters of the  
19 city, at a city or state general, primary, or special election, a  
20 proposal to authorize the council or other governing body of the  
21 city to impose such a sales tax and, if such tax is to be used to  
22 retire bonds authorized pursuant to this section, to authorize  
23 such bonds and their retirement by such tax; except that no vote  
24 shall be required in any city that imposed and collected such tax  
25 under sections 94.600 to 94.655, before January 5, 1984. The  
26 ballot of the submission shall contain, but is not limited to,  
27 the following language:

28 (1) If the proposal submitted involves only authorization

1 to impose the tax authorized by this section, the following  
2 language:

3 Shall the city of \_\_\_\_\_ (city's name) impose a sales tax of  
4 \_\_\_\_\_ (insert amount) for transportation purposes?

5  YES  NO

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

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

12 Shall the city of \_\_\_\_\_ (city's name) issue bonds in the  
13 amount of \_\_\_\_\_ (insert amount) for transportation purposes and  
14 impose a sales tax of \_\_\_\_\_ (insert amount) to repay such bonds?

15  YES  NO

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

19  
20 If a majority of the votes cast on the proposal, provided in  
21 subdivision (1) of this subsection, by the qualified voters  
22 voting thereon are in favor of the proposal, then the ordinance  
23 and any amendments thereto shall be in effect as provided by  
24 subsection 19 of section 32.087. If the four-sevenths majority  
25 of the votes, as required by the Missouri Constitution, Article  
26 VI, Section 26, cast on the proposal, provided in subdivision (2)  
27 of this subsection to issue bonds and impose a sales tax to  
28 retire such bonds, by the qualified voters voting thereon are in

1 favor of the proposal, then the ordinance and any amendments  
2 thereto shall be in effect as provided by subsection 19 of  
3 section 32.087. If a majority of the votes cast on the proposal,  
4 as provided in subdivision (1) of this subsection, by the  
5 qualified voters voting thereon are opposed to the proposal, then  
6 the council or other governing body of the city shall have no  
7 power to impose the tax authorized in subdivision (1) of this  
8 subsection unless and until the council or other governing body  
9 of the city submits another proposal to authorize the council or  
10 other governing body of the city to impose the tax and such  
11 proposal is approved by a majority of the qualified voters voting  
12 thereon. If more than three-sevenths of the votes cast by the  
13 qualified voters voting thereon are opposed to the proposal, as  
14 provided in subdivision (2) of this subsection to issue bonds and  
15 impose a sales tax to retire such bonds, then the council or  
16 other governing body of the city shall have no power to issue any  
17 bonds or to impose the tax authorized in subdivision (2) of this  
18 subsection unless and until the council or other governing body  
19 of the city submits another proposal to authorize the council or  
20 other governing body of the city to issue such bonds or impose  
21 the tax to retire such bonds and such proposal is approved by  
22 four-sevenths of the qualified voters voting thereon.

23 2. No incorporated municipality located wholly or partially  
24 within any first class county operating under a charter form of  
25 government and having a population of over nine hundred thousand  
26 inhabitants shall impose such a sales tax for that part of the  
27 city, town or village that is located within such first class  
28 county, in the event such a first class county imposes a sales

1 tax under the provisions of sections 94.600 to 94.655.

2 3. The sales tax may be imposed at a rate not to exceed  
3 one-half of one percent on the receipts from the sale at retail  
4 of all tangible personal property or taxable services at retail  
5 within any city adopting such tax, if such property and services  
6 are subject to taxation by the state of Missouri under the  
7 provisions of sections 144.010 to ~~[144.525]~~ 144.527.

8 4. ~~[If the boundaries of a city in which such sales tax has~~  
9 ~~been imposed shall thereafter be changed or altered, the city~~  
10 ~~clerk shall forward to the director of revenue by United States~~  
11 ~~registered mail or certified mail a certified copy of the~~  
12 ~~ordinance adding or detaching territory from the city. The~~  
13 ~~ordinance shall reflect the effective date thereof, and shall be~~  
14 ~~accompanied by a map of the city clearly showing the territory~~  
15 ~~added thereto or detached therefrom. Upon receipt of the~~  
16 ~~ordinance and map, the tax imposed by sections 94.700 to 94.755~~  
17 ~~shall be effective in the added territory or abolished in the~~  
18 ~~detached territory on the effective date of the change of the~~  
19 ~~city boundary.~~

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

23 5. Except as modified by this section, all provisions of  
24 sections 32.085 to 32.087 shall apply to the tax imposed under  
25 this section.

26 143.011. 1. A tax is hereby imposed for every taxable year  
27 on the Missouri taxable income of every resident. The tax shall  
28 be determined by applying the tax table or the rate provided in

1 section 143.021, which is based upon the following rates:

2 If the Missouri taxable income is:	The tax is:
3 Not over \$1,000.00	1 1/2% of the Missouri
4	taxable income
5 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess
6	over \$1,000
7 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess
8	over \$2,000
9 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess
10	over \$3,000
11 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess
12	over \$4,000
13 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess
14	over \$5,000
15 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of
16	excess over \$6,000
17 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess
18	over \$7,000
19 Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of
20	excess over \$8,000
21	
22 Over \$9,000	\$315 plus 6% of excess
23	over \$9,000

24 2. (1) Beginning with the 2017 calendar year, the top rate  
25 of tax under subsection 1 of this section may be reduced over a  
26 period of years. Each reduction in the top rate of tax shall be  
27 by one-tenth of a percent and no more than one reduction shall  
28 occur in a calendar year. No more than five reductions shall be

1 made under this subsection. Reductions in the rate of tax shall  
2 take effect on January first of a calendar year and such reduced  
3 rates shall continue in effect until the next reduction occurs.

4 (2) A reduction in the rate of tax shall only occur if the  
5 amount of net general revenue collected in the previous fiscal  
6 year exceeds the highest amount of net general revenue collected  
7 in any of the three fiscal years prior to such fiscal year by at  
8 least one hundred fifty million dollars.

9 (3) Any modification of tax rates under this subsection  
10 shall only apply to tax years that begin on or after a  
11 modification takes effect.

12 (4) The director of the department of revenue shall, by  
13 rule, adjust the tax tables under subsection 1 of this section to  
14 effectuate the provisions of this subsection. The bracket for  
15 income subject to the top rate of tax shall be eliminated once  
16 the top rate of tax has been reduced to five and one-half  
17 percent, and the top remaining rate of tax shall apply to all  
18 income in excess of the income in the second highest remaining  
19 income bracket.

20 3. (1) In addition to the rate reductions under subsection  
21 2 of this section, beginning with the 2019 calendar year, the top  
22 rate of tax under subsection 1 of this section shall be reduced  
23 by four-tenths of one percent. Such reduction in the rate of tax  
24 shall take effect on January first of the 2019 calendar year.

25 (2) The modification of tax rates under this subsection  
26 shall only apply to tax years that begin on or after the date the  
27 modification takes effect.

28 (3) The director of the department of revenue shall, by

1 rule, adjust the tax tables under subsection 1 of this section to  
2 effectuate the provisions of this subsection.

3 4. (1) In addition to the rate reductions under  
4 subsections 2 and 3 of this section, beginning with the calendar  
5 year following the calendar year in which the final reduction in  
6 the top rate of tax is made under subsection 2 of this section,  
7 the top rate of tax under subsection 1 of this section shall be  
8 reduced by eleven hundredths of one percent. Such reduction in  
9 the rate of tax shall take effect on January first of a calendar  
10 year.

11 (2) The modification of tax rates under this subsection  
12 shall only apply to tax years that begin on or after the date the  
13 modification takes effect.

14 (3) The director of the department of revenue shall, by  
15 rule, adjust the tax tables under subsection 1 of this section to  
16 effectuate the provisions of this subsection.

17 5. Beginning with the 2017 calendar year, the brackets of  
18 Missouri taxable income identified in subsection 1 of this  
19 section shall be adjusted annually by the percent increase in  
20 inflation. The director shall publish such brackets annually  
21 beginning on or after October 1, 2016. Modifications to the  
22 brackets shall take effect on January first of each calendar year  
23 and shall apply to tax years beginning on or after the effective  
24 date of the new brackets.

25 [5.] 6. As used in this section, the following terms mean:

26 (1) "CPI", the Consumer Price Index for All Urban Consumers  
27 for the United States as reported by the Bureau of Labor  
28 Statistics, or its successor index;



1           (2) "CPI for the preceding calendar year", the average of  
2 the CPI as of the close of the twelve month period ending on  
3 August thirty-first of such calendar year;

4           (3) "Net general revenue collected", all revenue deposited  
5 into the general revenue fund, less refunds and revenues  
6 originally deposited into the general revenue fund but designated  
7 by law for a specific distribution or transfer to another state  
8 fund;

9           (4) "Percent increase in inflation", the percentage, if  
10 any, by which the CPI for the preceding calendar year exceeds the  
11 CPI for the year beginning September 1, 2014, and ending August  
12 31, 2015.

13           143.071. 1. For all tax years beginning before September  
14 1, 1993, a tax is hereby imposed upon the Missouri taxable income  
15 of corporations in an amount equal to five percent of Missouri  
16 taxable income.

17           2. For all tax years beginning on or after September 1,  
18 1993, and [ending] beginning on or before December 31, 2019, a  
19 tax is hereby imposed upon the Missouri taxable income of  
20 corporations in an amount equal to six and one-fourth percent of  
21 Missouri taxable income.

22           3. For all tax years beginning on or after January 1, 2020,  
23 a tax is hereby imposed upon the Missouri taxable income of  
24 corporations in an amount equal to four percent of Missouri  
25 taxable income.

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

1           143.121. 1. The Missouri adjusted gross income of a  
2 resident individual shall be the taxpayer's federal adjusted  
3 gross income subject to the modifications in this section.

4           2. There shall be added to the taxpayer's federal adjusted  
5 gross income:

6           (1) The amount of any federal income tax refund received  
7 for a prior year which resulted in a Missouri income tax benefit;

8           (2) Interest on certain governmental obligations excluded  
9 from federal gross income by [Section 103 of the Internal Revenue  
10 Code] 26 U.S.C. Section 103. The previous sentence shall not  
11 apply to interest on obligations of the state of Missouri or any  
12 of its political subdivisions or authorities and shall not apply  
13 to the interest described in subdivision (1) of subsection 3 of  
14 this section. The amount added pursuant to this subdivision  
15 shall be reduced by the amounts applicable to such interest that  
16 would have been deductible in computing the taxable income of the  
17 taxpayer except only for the application of 26 U.S.C. Section 265  
18 [of the Internal Revenue Code]. The reduction shall only be made  
19 if it is at least five hundred dollars;

20           (3) The amount of any deduction that is included in the  
21 computation of federal taxable income pursuant to 26 U.S.C.  
22 Section 168 [of the Internal Revenue Code] as amended by the Job  
23 Creation and Worker Assistance Act of 2002 to the extent the  
24 amount deducted relates to property purchased on or after July 1,  
25 2002, but before July 1, 2003, and to the extent the amount  
26 deducted exceeds the amount that would have been deductible  
27 pursuant to 26 U.S.C. Section 168 [of the Internal Revenue Code  
28 of 1986] as in effect on January 1, 2002;

1           (4) The amount of any deduction that is included in the  
2 computation of federal taxable income for net operating loss  
3 allowed by 26 U.S.C. Section 172 [of the Internal Revenue Code of  
4 1986], as amended, other than the deduction allowed by 26 U.S.C.  
5 Section 172(b)(1)(G) and Section 172(i) [of the Internal Revenue  
6 Code of 1986], as amended, for a net operating loss the taxpayer  
7 claims in the tax year in which the net operating loss occurred  
8 or carries forward for a period of more than twenty years and  
9 carries backward for more than two years. Any amount of net  
10 operating loss taken against federal taxable income but  
11 disallowed for Missouri income tax purposes pursuant to this  
12 subdivision after June 18, 2002, may be carried forward and taken  
13 against any income on the Missouri income tax return for a period  
14 of not more than twenty years from the year of the initial loss;  
15 and

16           (5) For nonresident individuals in all taxable years ending  
17 on or after December 31, 2006, the amount of any property taxes  
18 paid to another state or a political subdivision of another state  
19 for which a deduction was allowed on such nonresident's federal  
20 return in the taxable year unless such state, political  
21 subdivision of a state, or the District of Columbia allows a  
22 subtraction from income for property taxes paid to this state for  
23 purposes of calculating income for the income tax for such state,  
24 political subdivision of a state, or the District of Columbia.

25           (6) For all tax years beginning on or after January 1,  
26 2018, any interest expense paid or accrued in a previous taxable  
27 year, but allowed as a deduction under 26 U.S.C. Section 163, as  
28 amended, in the current taxable year by reason of the

1 carryforward of disallowed business interest provisions of 26  
2 U.S.C. Section 163(j), as amended. For the purposes of this  
3 subdivision, an interest expense is considered paid or accrued  
4 only in the first taxable year the deduction would have been  
5 allowable under 26 U.S.C. Section 163, as amended, if the  
6 limitation under 26 U.S.C. Section 163(j), as amended, did not  
7 exist.

8 3. There shall be subtracted from the taxpayer's federal  
9 adjusted gross income the following amounts to the extent  
10 included in federal adjusted gross income:

11 (1) Interest received on deposits held at a federal reserve  
12 bank or interest or dividends on obligations of the United States  
13 and its territories and possessions or of any authority,  
14 commission or instrumentality of the United States to the extent  
15 exempt from Missouri income taxes pursuant to the laws of the  
16 United States. The amount subtracted pursuant to this  
17 subdivision shall be reduced by any interest on indebtedness  
18 incurred to carry the described obligations or securities and by  
19 any expenses incurred in the production of interest or dividend  
20 income described in this subdivision. The reduction in the  
21 previous sentence shall only apply to the extent that such  
22 expenses including amortizable bond premiums are deducted in  
23 determining the taxpayer's federal adjusted gross income or  
24 included in the taxpayer's Missouri itemized deduction. The  
25 reduction shall only be made if the expenses total at least five  
26 hundred dollars;

27 (2) The portion of any gain, from the sale or other  
28 disposition of property having a higher adjusted basis to the

1 taxpayer for Missouri income tax purposes than for federal income  
2 tax purposes on December 31, 1972, that does not exceed such  
3 difference in basis. If a gain is considered a long-term capital  
4 gain for federal income tax purposes, the modification shall be  
5 limited to one-half of such portion of the gain;

6 (3) The amount necessary to prevent the taxation pursuant  
7 to this chapter of any annuity or other amount of income or gain  
8 which was properly included in income or gain and was taxed  
9 pursuant to the laws of Missouri for a taxable year prior to  
10 January 1, 1973, to the taxpayer, or to a decedent by reason of  
11 whose death the taxpayer acquired the right to receive the income  
12 or gain, or to a trust or estate from which the taxpayer received  
13 the income or gain;

14 (4) Accumulation distributions received by a taxpayer as a  
15 beneficiary of a trust to the extent that the same are included  
16 in federal adjusted gross income;

17 (5) The amount of any state income tax refund for a prior  
18 year which was included in the federal adjusted gross income;

19 (6) The portion of capital gain specified in section  
20 135.357 that would otherwise be included in federal adjusted  
21 gross income;

22 (7) The amount that would have been deducted in the  
23 computation of federal taxable income pursuant to 26 U.S.C.  
24 Section 168 [of the Internal Revenue Code] as in effect on  
25 January 1, 2002, to the extent that amount relates to property  
26 purchased on or after July 1, 2002, but before July 1, 2003, and  
27 to the extent that amount exceeds the amount actually deducted  
28 pursuant to 26 U.S.C. Section 168 [of the Internal Revenue Code]

1 as amended by the Job Creation and Worker Assistance Act of 2002;

2 (8) For all tax years beginning on or after January 1,  
3 2005, the amount of any income received for military service  
4 while the taxpayer serves in a combat zone which is included in  
5 federal adjusted gross income and not otherwise excluded  
6 therefrom. As used in this section, "combat zone" means any area  
7 which the President of the United States by Executive Order  
8 designates as an area in which Armed Forces of the United States  
9 are or have engaged in combat. Service is performed in a combat  
10 zone only if performed on or after the date designated by the  
11 President by Executive Order as the date of the commencing of  
12 combat activities in such zone, and on or before the date  
13 designated by the President by Executive Order as the date of the  
14 termination of combatant activities in such zone;

15 (9) For all tax years ending on or after July 1, 2002, with  
16 respect to qualified property that is sold or otherwise disposed  
17 of during a taxable year by a taxpayer and for which an  
18 additional modification was made under subdivision (3) of  
19 subsection 2 of this section, the amount by which additional  
20 modification made under subdivision (3) of subsection 2 of this  
21 section on qualified property has not been recovered through the  
22 additional subtractions provided in subdivision (7) of this  
23 subsection; [and]

24 (10) For all tax years beginning on or after January 1,  
25 2014, the amount of any income received as payment from any  
26 program which provides compensation to agricultural producers who  
27 have suffered a loss as the result of a disaster or emergency,  
28 including the:

- 1 (a) Livestock Forage Disaster Program;  
2 (b) Livestock Indemnity Program;  
3 (c) Emergency Assistance for Livestock, Honeybees, and  
4 Farm-Raised Fish;  
5 (d) Emergency Conservation Program;  
6 (e) Noninsured Crop Disaster Assistance Program;  
7 (f) Pasture, Rangeland, Forage Pilot Insurance Program;  
8 (g) Annual Forage Pilot Program;  
9 (h) Livestock Risk Protection Insurance Plan; and  
10 (i) Livestock Gross Margin [insurance plan] Insurance Plan;  
11 and

12 (11) For all tax years beginning on or after January 1,  
13 2018, any interest expense paid or accrued in the current taxable  
14 year, but not deducted as a result of the limitation imposed  
15 under 26 U.S.C. Section 163(j), as amended. For the purposes of  
16 this subdivision, an interest expense is considered paid or  
17 accrued only in the first taxable year the deduction would have  
18 been allowable under 26 U.S.C. Section 163, as amended, if the  
19 limitation under 26 U.S.C. Section 163(j), as amended, did not  
20 exist. A taxpayer may file an amended return to adjust the  
21 taxpayer's federal adjusted gross income under the provisions of  
22 this subdivision.

23 4. There shall be added to or subtracted from the  
24 taxpayer's federal adjusted gross income the taxpayer's share of  
25 the Missouri fiduciary adjustment provided in section 143.351.

26 5. There shall be added to or subtracted from the  
27 taxpayer's federal adjusted gross income the modifications  
28 provided in section 143.411.

1           6. In addition to the modifications to a taxpayer's federal  
2 adjusted gross income in this section, to calculate Missouri  
3 adjusted gross income there shall be subtracted from the  
4 taxpayer's federal adjusted gross income any gain recognized  
5 pursuant to Section 1033 of the Internal Revenue Code of 1986, as  
6 amended, arising from compulsory or involuntary conversion of  
7 property as a result of condemnation or the imminence thereof.

8           7. (1) As used in this subsection, "qualified health  
9 insurance premium" means the amount paid during the tax year by  
10 such taxpayer for any insurance policy primarily providing health  
11 care coverage for the taxpayer, the taxpayer's spouse, or the  
12 taxpayer's dependents.

13           (2) In addition to the subtractions in subsection 3 of this  
14 section, one hundred percent of the amount of qualified health  
15 insurance premiums shall be subtracted from the taxpayer's  
16 federal adjusted gross income to the extent the amount paid for  
17 such premiums is included in federal taxable income. The  
18 taxpayer shall provide the department of revenue with proof of  
19 the amount of qualified health insurance premiums paid.

20           8. (1) Beginning January 1, 2014, in addition to the  
21 subtractions provided in this section, one hundred percent of the  
22 cost incurred by a taxpayer for a home energy audit conducted by  
23 an entity certified by the department of natural resources under  
24 section 640.153 or the implementation of any energy efficiency  
25 recommendations made in such an audit shall be subtracted from  
26 the taxpayer's federal adjusted gross income to the extent the  
27 amount paid for any such activity is included in federal taxable  
28 income. The taxpayer shall provide the department of revenue



1 with a summary of any recommendations made in a qualified home  
2 energy audit, the name and certification number of the qualified  
3 home energy auditor who conducted the audit, and proof of the  
4 amount paid for any activities under this subsection for which a  
5 deduction is claimed. The taxpayer shall also provide a copy of  
6 the summary of any recommendations made in a qualified home  
7 energy audit to the department of natural resources.

8 (2) At no time shall a deduction claimed under this  
9 subsection by an individual taxpayer or taxpayers filing combined  
10 returns exceed one thousand dollars per year for individual  
11 taxpayers or cumulatively exceed two thousand dollars per year  
12 for taxpayers filing combined returns.

13 (3) Any deduction claimed under this subsection shall be  
14 claimed for the tax year in which the qualified home energy audit  
15 was conducted or in which the implementation of the energy  
16 efficiency recommendations occurred. If implementation of the  
17 energy efficiency recommendations occurred during more than one  
18 year, the deduction may be claimed in more than one year, subject  
19 to the limitations provided under subdivision (2) of this  
20 subsection.

21 (4) A deduction shall not be claimed for any otherwise  
22 eligible activity under this subsection if such activity  
23 qualified for and received any rebate or other incentive through  
24 a state-sponsored energy program or through an electric  
25 corporation, gas corporation, electric cooperative, or  
26 municipally owned utility.

27 9. The provisions of subsection 8 of this section shall  
28 expire on December 31, 2020.

1           143.441. 1. The term "corporation" means every  
2 corporation, association, joint stock company and joint stock  
3 association organized, authorized or existing under the laws of  
4 this state and includes:

5           (1) Every corporation, association, joint stock company,  
6 and joint stock association organized, authorized, or existing  
7 under the laws of this state, and every corporation, association,  
8 joint stock company, and joint stock association, licensed to do  
9 business in this state, or doing business in this state, and not  
10 organized, authorized, or existing under the laws of this state,  
11 or by any receiver in charge of the property of any such  
12 corporation, association, joint stock company or joint stock  
13 association;

14           (2) Every railroad corporation or receiver in charge of the  
15 property thereof which operates over rails owned or leased by it  
16 and every corporation operating any buslines, trucklines,  
17 airlines, or other forms of transportation, including qualified  
18 air freight forwarders, operating over fixed routes owned,  
19 leased, or used by it extending from this state to another state  
20 or states. For the purposes of this section, "qualified air  
21 freight forwarder" means a taxpayer who:

22           (a) Is primarily engaged in the facilitation of the  
23 transportation of property by air;

24           (b) Does not directly operate aircraft; and

25           (c) Is affiliated with an airline;

26           (3) Every corporation, or receiver in charge of the  
27 property thereof, which owns or operates a bridge between this  
28 and any other state; and

1           (4) Every corporation, or receiver in charge of the  
2 property thereof, which operates a telephone line or lines  
3 extending from this state to another state or states or a  
4 telegraph line or lines extending from this state to another  
5 state or states.

6           2. The tax on corporations provided in subsection 1 of  
7 section 143.431 and section 143.071 shall not apply to:

8           (1) A corporation which by reason of its purposes and  
9 activities is exempt from federal income tax. The preceding  
10 sentence shall not apply to unrelated business taxable income and  
11 other income on which chapter 1 of the Internal Revenue Code  
12 imposes the federal income tax or any other tax measured by  
13 income;

14           (2) An express company which pays an annual tax on its  
15 gross receipts in this state;

16           (3) An insurance company which is subject to an annual tax  
17 on its gross premium receipts in this state;

18           (4) A Missouri mutual or an extended Missouri mutual  
19 insurance company organized under chapter 380; and

20           (5) Any other corporation that is exempt from Missouri  
21 income taxation under the laws of Missouri or the laws of the  
22 United States.

23           143.451. 1. Missouri taxable income of a corporation shall  
24 include all income derived from sources within this state.

25           2. For all tax years ~~ending~~ beginning on or before  
26 December 31, 2019, a corporation described in subdivision (1) of  
27 subsection 1 of section 143.441 shall include in its Missouri  
28 taxable income all income from sources within this state,

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

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

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

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

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

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

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

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

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

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

18 (d) For purposes of this subdivision:

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

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

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

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

1 any bridge connecting this state with another state;

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

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

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

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

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

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

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

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

4           c. In the case of sale of a service, if and to the extent  
5 the ultimate beneficiary of the service is located in this state  
6 and shall not be in this state if the ultimate beneficiary of the  
7 service rendered by the taxpayer or the taxpayer's designee is  
8 located outside this state; and

9           d. In the case of intangible property:

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

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

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

26           ii. Receipts from intangible property sales that are  
27 contingent on the productivity, use, or disposition of the  
28 intangible property shall be treated as receipts from the rental,

1 lease, or licensing of such intangible property under item (i) of  
2 this subparagraph; and

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

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

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

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

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

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

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

26       (c) "Distribution services" include, but are not limited  
27 to, the services of advertising, servicing, marketing,  
28 underwriting or selling shares of an investment company, but, in



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

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

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

1 of gross revenues consisting of fees from management services  
2 provided to or on behalf of an investment company;

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

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

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

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

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

26 (h) "Residence", presumptively the fund shareholder's  
27 mailing address on the records of the investment company. If,  
28 however, the investment company or the investment funds service

1 corporation has actual knowledge that the fund shareholder's  
2 primary residence or principal place of business is different  
3 than the fund shareholder's mailing address such presumption  
4 shall not control. To the extent an investment funds service  
5 corporation does not have access to the records of the investment  
6 company, the investment funds service corporation may employ  
7 reasonable methods to determine the investment company fund  
8 shareholder's residence.

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

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

1 year that ends with or within the investment funds service  
2 corporation's taxable year;

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

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

17 (6) Notwithstanding the Multistate Tax Compact, sections  
18 32.200 to 32.240, this section, and section 143.461 to the  
19 contrary, sales and business transactions shall not include any  
20 intercompany transactions, as that term is defined under 26  
21 C.F.R. 1.1502 -13, between corporations that file a consolidated  
22 income tax return in this state.

23 3. Any corporation described in subdivision (1) of  
24 subsection 1 of section 143.441 organized in this state or  
25 granted a permit to operate in this state for the transportation  
26 or care of passengers shall report its gross earnings within the  
27 state on intrastate business and shall also report its gross  
28 earnings on all interstate business done in this state which

1 report shall be subject to inquiry for the purpose of determining  
2 the amount of income to be included in Missouri taxable income.  
3 The previous sentence shall not apply to a railroad.

4 4. A corporation described in subdivision (2) of subsection  
5 1 of section 143.441 shall include in its Missouri taxable income  
6 all income arising from all sources in this state and all income  
7 from each transportation service wholly within this state, from  
8 each service where the only lines of such corporation used are  
9 those in this state, and such proportion of revenue from each  
10 service where the facilities of such corporation in this state  
11 and in another state or states are used, as the mileage used over  
12 the lines of such corporation in the state shall bear to the  
13 total mileage used over the lines of such corporation. The  
14 taxpayer may elect to compute the portion of income from all  
15 sources within this state in the following manner:

16 (1) The income from all sources shall be determined as  
17 provided;

18 (2) The amount of investment of such corporation on  
19 December thirty-first of each year in this state in fixed  
20 transportation facilities, real estate and improvements, plus the  
21 value on December thirty-first of each year of any fixed  
22 transportation facilities, real estate and improvements in this  
23 state leased from any other railroad shall be divided by the sum  
24 of the total amount of investment of such corporation on December  
25 thirty-first of each year in fixed transportation facilities,  
26 real estate and improvements, plus the value on December  
27 thirty-first of each year, of any fixed transportation  
28 facilities, real estate and improvements leased from any other

1 railroad. Where any fixed transportation facilities, real estate  
2 or improvements are leased by more than one railroad, such  
3 portion of the value shall be used by each railroad as the rental  
4 paid by each shall bear to the rental paid by all lessees. The  
5 income shall be multiplied by the fraction thus obtained to  
6 determine the proportion to be used to arrive at the amount of  
7 Missouri taxable income.

8 5. A corporation described in subdivision (3) of subsection  
9 1 of section 143.441 shall include in its Missouri taxable income  
10 one-half of the net income from the operation of a bridge between  
11 this and another state. If any such bridge is owned or operated  
12 by a railroad corporation or corporations, or by a corporation  
13 owning a railroad corporation using such bridge, then the figures  
14 for operation of such bridge may be included in the return of  
15 such railroad or railroads; or if such bridge is owned or  
16 operated by any other corporation which may now or hereafter be  
17 required to file an income tax return, one-half of the income or  
18 loss to such corporation from such bridge may be included in such  
19 return by adding or subtracting same to or from another net  
20 income or loss shown by the return.

21 6. A corporation described in subdivision (4) of subsection  
22 1 of section 143.441 shall include in its Missouri taxable income  
23 all income arising from all sources within this state. Income  
24 shall include revenue from each telephonic or telegraphic service  
25 rendered wholly within this state; from each service rendered for  
26 which the only facilities of such corporation used are those in  
27 this state; and from each service rendered over the facilities of  
28 such corporation in this state and in other state or states, such

1 proportion of such revenue as the mileage involved in this state  
2 shall bear to the total mileage involved over the lines of said  
3 company in all states. The taxpayer may elect to compute the  
4 portion of income from all sources within this state in the  
5 following manner:

6 (1) The income from all sources shall be determined as  
7 provided;

8 (2) The amount of investment of such corporation on  
9 December thirty-first of each year in this state in telephonic or  
10 telegraphic facilities, real estate and improvements thereon,  
11 shall be divided by the amount of the total investment of such  
12 corporation on December thirty-first of each year in telephonic  
13 or telegraphic facilities, real estate and improvements. The  
14 income of the taxpayer shall be multiplied by the fraction thus  
15 obtained to determine the proportion to be used to arrive at the  
16 amount of Missouri taxable income.

17 7. From the income determined in subsections 2, 3, 4, 5 and  
18 6 of this section to be from all sources within this state shall  
19 be deducted such of the deductions for expenses in determining  
20 Missouri taxable income as were incurred in this state to produce  
21 such income and all losses actually sustained in this state in  
22 the business of the corporation.

23 8. If a corporation derives only part of its income from  
24 sources within Missouri, its Missouri taxable income shall only  
25 reflect the effect of the following listed deductions to the  
26 extent applicable to Missouri. The deductions are: (a) its  
27 deduction for federal income taxes pursuant to section 143.171,  
28 and (b) the effect on Missouri taxable income of the deduction

1 for net operating loss allowed by Section 172 of the Internal  
2 Revenue Code. The extent applicable to Missouri shall be  
3 determined by multiplying the amount that would otherwise affect  
4 Missouri taxable income by the ratio for the year of the Missouri  
5 taxable income of the corporation for the year divided by the  
6 Missouri taxable income for the year as though the corporation  
7 had derived all of its income from sources within Missouri. For  
8 the purpose of the preceding sentence, Missouri taxable income  
9 shall not reflect the listed deductions.

10 9. Any investment funds service corporation organized as a  
11 corporation or S corporation which has any shareholders  
12 resided in this state shall be subject to Missouri income tax  
13 as provided in this chapter.

14 10. The provisions of this section do not impact any other  
15 apportionment election available to a taxpayer under Missouri  
16 statutes unless explicitly stated in this section.

17 143.461. 1. A corporation shall elect to determine income  
18 applicable to this state by multiplying the total income from all  
19 sources by the fraction determined in the manner in section  
20 143.451 for all tax years ~~ending~~ beginning on or before  
21 December 31, 2019, and for all tax years beginning on or ~~before~~  
22 after January 1, 2020, in the manner set forth in section  
23 143.455; first, by filing written notice with the director of  
24 revenue on or before the due date of the return (including  
25 extensions of time) of the taxpayer's election, or, second, by  
26 failing to keep its books and records in such manner as to show  
27 the income applicable to this state, including gross income and  
28 deductions applicable thereto.



1           2. If the corporation shall keep its books and records so  
2 as to show the income applicable to this state by any other  
3 method of allocation between this state and other states,  
4 including gross income and deductions applicable thereto, and  
5 such method shows the income applicable to this state, including  
6 gross income and deductions applicable thereto, then it may, on  
7 or before sixty days before the end of any taxable year, petition  
8 the director of revenue, in writing, to be permitted in its  
9 return required to be filed to apportion to this state according  
10 to the method shown by such books or records. If the director of  
11 revenue finds that such method does show the income applicable to  
12 this state including gross income and the deductions applicable  
13 thereto, he or she shall notify the corporation, at least thirty  
14 days prior to the last day on which such corporation's return for  
15 that taxable year is to be filed, that it may use that method for  
16 the shorter of five years or as long as such method shows the  
17 income applicable to this state, including gross income and  
18 deductions applicable thereto.

19           3. The corporation shall cease using such method after the  
20 shorter of five years or whenever the director of revenue finds  
21 and notifies such corporation on or before ninety days before the  
22 end of the taxable year, that such method does not so show. Upon  
23 and after such expiration or revocation the corporation shall be  
24 permitted to petition to use the same or another method of  
25 allocation that will show such income including gross income and  
26 deductions applicable thereto as though no petition had ever been  
27 filed.

28           4. Failure, after a method has expired or been revoked by

1 the director of revenue, to submit a method which the director of  
2 revenue finds will show such income applicable to this state  
3 including gross income and deductions applicable thereto, on or  
4 before sixty days before the end of any taxable year, or failure  
5 to make a return on the basis, which has been approved by the  
6 director of revenue on petition of the corporation and which  
7 stands unrevoked or unexpired, shall constitute an election to  
8 accept the determination of income applicable to this state by  
9 multiplying the total income from all sources by the fraction  
10 determined in the manner set forth in section 143.451 for all tax  
11 years [ending] beginning on or before December 31, 2019, and for  
12 all tax years beginning on or [before] after January 1, 2020, in  
13 the manner set forth in section 143.455.

14 143.551. 1. The director of revenue may grant a reasonable  
15 extension of time for payment of tax or estimated tax or any  
16 installment thereof, or for filing any return, declaration,  
17 statement, or other document required in sections 143.011 to  
18 143.996 on such terms and conditions as he may require. Except  
19 for a taxpayer who is outside the United States, no such  
20 extension for filing any return, declaration, statement, or  
21 document, shall exceed six months.

22 2. If a taxpayer has been granted an extension of time for  
23 filing his or its federal income tax return, the filing of a copy  
24 of the extension or the form relating to an automatic extension  
25 with the director of revenue shall automatically extend the due  
26 date of the income tax return required by sections 143.011 to  
27 143.996.

28 3. If a taxpayer has been granted an extension of time for

1 paying his or its federal income tax, the filing of a copy of the  
2 extension with the director of revenue shall automatically extend  
3 the time for the payment of the tax required by sections 143.011  
4 to 143.996.

5 4. If the time for filing a return is extended under  
6 subsection 2, but the time for payment is not extended under  
7 subsection 3, the taxpayer shall pay, on or before the date  
8 prescribed for the filing of the return (determined without  
9 regard to any extensions of time for such filing), the amount  
10 properly estimated as his or its tax for the taxable year.

11 5. (1) Notwithstanding the provisions of section 143.511  
12 to the contrary, any taxpayer who timely files an individual tax  
13 return under this chapter for the tax year beginning on or after  
14 January 1, 2018, and ending on or before December 31, 2018, may  
15 pay the tax due:

16 (a) On or before the date fixed for filing such return; or

17 (b) Under a monthly payment plan entered into with the  
18 department of revenue, provided the entire amount of tax due  
19 shall be paid no later than October 15, 2019.

20 (2) Notwithstanding any other provisions of law to the  
21 contrary, a taxpayer remitting tax under paragraph (b) of  
22 subdivision (1) of subsection 5 of this section shall not be  
23 subject to any penalties, interest, or additions to tax on the  
24 income tax paid under the payment plan, provided that any amount  
25 of tax not paid by October 15, 2019, shall be subject to the  
26 penalties, interest, and additions to tax provided under section  
27 143.731.

28 (3) The department of revenue shall develop any forms and

1 promulgate any rules that are reasonable and necessary to  
2 effectuate the provisions of this subsection. Any rule or  
3 portion of a rule, as that term is defined in section 536.010  
4 that is created under the authority delegated in this section  
5 shall become effective only if it complies with and is subject to  
6 all of the provisions of chapter 536, and, if applicable, section  
7 536.028. This section and chapter 536 are nonseverable and if  
8 any of the powers vested with the general assembly pursuant to  
9 chapter 536, to review, to delay the effective date, or to  
10 disapprove and annul a rule are subsequently held  
11 unconstitutional, then the grant of rulemaking authority and any  
12 rule proposed or adopted after the effective date of this act  
13 shall be invalid and void.

14 143.980. 1. This section shall be known as the "Taxpayer  
15 Protection Act".

16 2. For the purposes of this section, the following terms  
17 shall mean:

- 18 (1) "Department", the Missouri department of revenue;  
19 (2) "Paid tax return preparer", a person who prepares for  
20 compensation, or who employs one or more persons to prepare for  
21 compensation, any income tax return or claim for refund required  
22 to be filed under this chapter. The preparation of a substantial  
23 portion of a return or claim for refund shall be treated as the  
24 preparation of such return or claim for refund. A paid tax  
25 return preparer shall not include any certified public accountant  
26 who holds an active license issued by any state and the employees  
27 of such certified public accountant or certified public  
28 accounting firm or an enrolled agent enrolled to practice before

1 the federal Internal Revenue Service pursuant to 31 C.F.R.  
2 Section 10.4;

3 (3) "Willful or reckless conduct", the same meaning as  
4 defined under 26 U.S.C. Section 6694;

5 3. For all tax years beginning on or after January 1, 2020,  
6 any income tax return or claim for refund prepared by a paid tax  
7 return preparer shall be signed by the paid tax return preparer  
8 and shall bear the paid tax return preparer's Internal Revenue  
9 Service preparer tax identification number. Any person who is  
10 the paid tax return preparer with respect to any income tax  
11 return or claim for refund and who fails to sign the return or  
12 claim for refund, or who fails to provide his or her preparer tax  
13 identification number, shall pay a penalty of fifty dollars for  
14 each such failure, unless it can be shown that the failure was  
15 due to reasonable cause and not willful or reckless conduct. The  
16 aggregate penalty that may be imposed by the department on any  
17 paid tax return preparer with respect to returns or claims for  
18 refund filed during any calendar year shall not exceed  
19 twenty-five thousand dollars per paid tax return preparer.

20 4. (1) In a court of competent jurisdiction, the director  
21 of revenue may commence suit to enjoin any paid tax return  
22 preparer from further engaging in any conduct described in  
23 subdivision (2) of this subsection, or from further action as a  
24 paid tax return preparer.

25 (2) In any action under subdivision (1) of this subsection,  
26 if the court finds that injunctive relief is appropriate to  
27 prevent the recurrence of willful or reckless conduct, the court  
28 may enjoin the paid tax return preparer from further engaging in

1 any conduct specified in the action. The court may enjoin  
2 conduct when a paid tax return preparer has done any of the  
3 following:

4 (a) Prepared any income tax return or claim for refund that  
5 includes an understatement of a taxpayer's liability due to an  
6 unreasonable position. For purposes of this subdivision, the  
7 term "unreasonable position" shall have the same meaning as  
8 defined under 26 U.S.C. Section 6694;

9 (b) Prepared any income tax return or claim for refund that  
10 includes an understatement of a taxpayer's liability due to the  
11 paid tax return preparer's willful or reckless conduct;

12 (c) Where required, failed to sign an income tax return or  
13 claim for refund;

14 (d) Where required, failed to furnish his or her preparer  
15 tax identification number;

16 (e) Where required, failed to retain a copy of an income  
17 tax return;

18 (f) Where required by due diligence requirements imposed by  
19 department rules and regulations, failed to be diligent in  
20 determining a taxpayer's eligibility for tax benefits;

21 (g) Negotiated a check issued to a taxpayer by the  
22 department without the permission of the taxpayer;

23 (h) Engaged in any conduct subject to any criminal penalty  
24 provided under chapters 135 to 155;

25 (i) Misrepresented to the department the paid tax return  
26 preparer's eligibility to practice or otherwise misrepresented  
27 the paid tax return preparer's experience or education;

28 (j) Guaranteed the payment of any income tax refund or the

1 allowance of any income tax credit; or

2 (k) Engaged in any other fraudulent or deceptive conduct  
3 that substantially interferes with the proper administration of  
4 the laws of this state.

5 (3) (a) If the court finds that a paid tax return preparer  
6 has continually or repeatedly engaged in any conduct described in  
7 subdivision (2) of this subsection and that an injunction  
8 prohibiting the conduct would not be sufficient to prevent the  
9 paid tax return preparer's interference with the proper  
10 administration of the laws of this state, the court may enjoin  
11 the paid tax return preparer from acting as a paid tax return  
12 preparer in Missouri.

13 (b) Being enjoined from preparing tax returns or claims for  
14 refund for the United States or any other state in the five years  
15 preceding the petition for an injunction under this section shall  
16 establish a prima facie case for an injunction to be issued under  
17 this section. For purposes of this paragraph, the term "state"  
18 shall mean a state of the United States, the District of  
19 Columbia, Puerto Rico, United States Virgin Islands, or any  
20 territory or insular possession subject to the jurisdiction of  
21 the United States.

22 144.010. 1. The following words, terms, and phrases when  
23 used in [sections 144.010 to 144.525] this chapter shall have the  
24 meanings ascribed to them in this section, except when the  
25 context indicates a different meaning:

26 (1) "Admission" includes seats and tables, reserved or  
27 otherwise, and other similar accommodations and charges made  
28 therefor and amount paid for admission, exclusive of any

1 admission tax imposed by the federal government or by sections  
2 144.010 to 144.525;

3 (2) "Business" includes any activity engaged in by any  
4 person, or caused to be engaged in by him, with the object of  
5 gain, benefit or advantage, either direct or indirect, and the  
6 classification of which business is of such character as to be  
7 subject to the terms of sections 144.010 to 144.525. A person is  
8 "engaging in business" in this state for purposes of sections  
9 144.010 to 144.525 if such person engages in business activities  
10 within this state or maintains a place of business in this state  
11 under the provisions of subdivisions (1) to (6) of section  
12 [144.605] 144.612. The isolated or occasional sale of tangible  
13 personal property, service, substance, or thing, by a person not  
14 engaged in such business, does not constitute engaging in  
15 business within the meaning of [sections 144.010 to 144.525] this  
16 chapter unless the total amount of the gross receipts from such  
17 sales, exclusive of receipts from the sale of tangible personal  
18 property by persons which property is sold in the course of the  
19 partial or complete liquidation of a household, farm or  
20 nonbusiness enterprise, exceeds three thousand dollars in any  
21 calendar year. The provisions of this subdivision shall not be  
22 construed to make any sale of property which is exempt from sales  
23 tax or use tax on June 1, 1977, subject to that tax thereafter;

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

27 (4) "Captive wildlife", includes but is not limited to  
28 exotic partridges, gray partridge, northern bobwhite quail,



1 ring-necked pheasant, captive waterfowl, captive white-tailed  
2 deer, captive elk, and captive furbearers held under permit  
3 issued by the Missouri department of conservation for hunting  
4 purposes. The provisions of this subdivision shall not apply to  
5 sales tax on a harvested animal;

6 (5) "Certified service provider" or "CSP", an agent  
7 certified by the department of revenue to perform all the  
8 seller's sales and use tax functions, other than the seller's  
9 obligation to remit tax on its own purchases;

10 [(4)] (6) "Gross receipts", except as provided in section  
11 144.012, means the total amount of the sale price of the sales at  
12 retail including any services other than charges incident to the  
13 extension of credit that are a part of such sales made by the  
14 businesses herein referred to, capable of being valued in money,  
15 whether received in money or otherwise; except that, the term  
16 gross receipts shall not include the sale price of property  
17 returned by customers when the full sale price thereof is  
18 refunded either in cash or by credit. In determining any tax due  
19 under [sections 144.010 to 144.525] this chapter on the gross  
20 receipts, charges incident to the extension of credit shall be  
21 specifically exempted. For the purposes of [sections 144.010 to  
22 144.525] this chapter the total amount of the sale price above  
23 mentioned shall be deemed to be the amount received. It shall  
24 also include the lease or rental consideration where the right to  
25 continuous possession or use of any article of tangible personal  
26 property is granted under a lease or contract and such transfer  
27 of possession would be taxable if outright sale were made and, in  
28 such cases, the same shall be taxable as if outright sale were

1 made and considered as a sale of such article, and the tax shall  
2 be computed and paid by the lessee upon the rentals paid. The  
3 term gross receipts shall not include usual and customary  
4 delivery charges that are stated separately from the sale price;

5 [(5)] (7) "Instructional class", includes any class,  
6 lesson, or instruction intended or used for teaching;

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

11 (9) "Light aircraft kit", factory manufactured light  
12 aircraft parts and components, including engine, propeller,  
13 instruments, wheels, brakes, and air frame parts which make up a  
14 complete aircraft kit or partial kit designed to be assembled  
15 into a light aircraft and then operated by a qualified light  
16 aircraft purchaser for recreational and educational purposes;

17 (10) "Light aircraft parts and components", manufactured  
18 light aircraft parts, including air frame and engine parts, that  
19 are required by the qualified light aircraft purchaser to  
20 complete a light aircraft kit, or spare or replacement parts for  
21 an already completed light aircraft;

22 [(6)] (11) "Livestock", cattle, calves, sheep, swine,  
23 ratite birds, including but not limited to, ostrich and emu,  
24 aquatic products as described in section 277.024, llamas, alpaca,  
25 buffalo, bison, elk documented as obtained from a legal source  
26 and not from the wild, goats, horses, other equine, honey bees,  
27 or rabbits raised in confinement for human consumption;

28 [(7)] (12) "Maintains a place of business in this state",

1 includes maintaining, occupying, or using, permanently or  
2 temporarily, directly or indirectly, or through a subsidiary, or  
3 agent, by whatever name called, an office, place of distribution,  
4 sales or sample room or place, warehouse or storage place, or  
5 other place of business;

6 (13) "Motor vehicle leasing company" [shall be], a company  
7 obtaining a permit from the director of revenue to operate as a  
8 motor vehicle leasing company. Not all persons renting or  
9 leasing trailers or motor vehicles need to obtain such a permit;  
10 however, no person failing to obtain such a permit may avail  
11 itself of the optional tax provisions of subsection 5 of section  
12 144.070, as hereinafter provided;

13 [(8)] (14) "Person" includes any individual, firm,  
14 copartnership, joint adventure, association, corporation,  
15 municipal or private, and whether organized for profit or not,  
16 state, county, political subdivision, state department,  
17 commission, board, bureau or agency, [except the state  
18 transportation department,] estate, trust, business trust,  
19 receiver or trustee appointed by the state or federal court,  
20 syndicate, or any other group or combination acting as a unit,  
21 and the plural as well as the singular number, or any other legal  
22 entity;

23 [(9)] (15) "Product which is intended to be sold ultimately  
24 for final use or consumption" [means], tangible personal  
25 property, or any service that is subject to state or local sales  
26 or use taxes, or any tax that is substantially equivalent  
27 thereto, in this state or any other state;

28 [(10)] (16) "Purchase", the acquisition of the ownership

1 of, or title to, tangible personal property, through a sale, as  
2 defined herein, for the purpose of storage, use, or consumption  
3 in this state;

4 (17) "Purchase price", applies to the measure subject to  
5 use tax and has the same meaning as sales price;

6 (18) "Purchaser" [means], a person who purchases tangible  
7 personal property or to whom are rendered services, receipts from  
8 which are taxable under [sections 144.010 to 144.525] this  
9 chapter;

10 [(11)] (19) "Qualified light aircraft purchaser", a  
11 purchaser of a light aircraft, light aircraft kit, light aircraft  
12 parts or components who is a nonresident of this state, who will  
13 transport the light aircraft, light aircraft kit, light aircraft  
14 parts or components outside this state within ten days after the  
15 date of purchase, and who will register any light aircraft so  
16 purchased in another state or country. Such purchaser shall not  
17 base such aircraft in this state and such purchaser shall not be  
18 a resident of the state unless such purchaser has paid sales or  
19 use tax on such aircraft in another state;

20 (20) "Research or experimentation activities" [are], the  
21 development of an experimental or pilot model, plant process,  
22 formula, invention or similar property, and the improvement of  
23 existing property of such type. Research or experimentation  
24 activities do not include activities such as ordinary testing or  
25 inspection of materials or products for quality control,  
26 efficiency surveys, advertising promotions or research in  
27 connection with literary, historical or similar projects;

28 [(12)] (21) "Sale" or "sales" includes installment and

1 credit sales, and the exchange of properties as well as the sale  
2 thereof for money, every closed transaction constituting a sale,  
3 and means any transfer, exchange or barter, conditional or  
4 otherwise, in any manner or by any means whatsoever, of tangible  
5 personal property for valuable consideration and the rendering,  
6 furnishing or selling for a valuable consideration any of the  
7 substances, things and services herein designated and defined as  
8 taxable under the [terms of sections 144.010 to 144.525]  
9 provisions of this chapter;

10 [(13)] (22) "Sale at retail" [means], any transfer made by  
11 any person engaged in business as defined herein of the ownership  
12 of, or title to, tangible personal property to the purchaser, for  
13 use or consumption and not for resale in any form as tangible  
14 personal property, for a valuable consideration; except that, for  
15 the purposes of sections 144.010 to 144.525 and the tax imposed  
16 thereby: (i) purchases of tangible personal property made by  
17 duly licensed physicians, dentists, optometrists and  
18 veterinarians and used in the practice of their professions shall  
19 be deemed to be purchases for use or consumption and not for  
20 resale; and (ii) the selling of computer printouts, computer  
21 output or microfilm or microfiche and computer-assisted photo  
22 compositions to a purchaser to enable the purchaser to obtain for  
23 his or her own use the desired information contained in such  
24 computer printouts, computer output on microfilm or microfiche  
25 and computer-assisted photo compositions shall be considered as  
26 the sale of a service and not as the sale of tangible personal  
27 property. Where necessary to conform to the context of [sections  
28 144.010 to 144.525] this chapter and the tax imposed thereby, the

1 term sale at retail shall be construed to embrace:

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

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

9 (c) Sales of local and long distance telecommunications  
10 service to telecommunications subscribers and to others through  
11 equipment of telecommunications subscribers for the transmission  
12 of messages and conversations, and the sale, rental or leasing of  
13 all equipment or services pertaining or incidental thereto;

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

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

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

26 [(14)] (23) "Seller" means, a person selling or furnishing  
27 tangible personal property or rendering services, on the receipts  
28 from which a tax is imposed pursuant to section 144.020;

1       (24) "Selling agent", every person acting as a  
2 representative of a principal, when such principal is not  
3 registered with the director of revenue of the state of Missouri  
4 for the collection of the taxes imposed under this chapter and  
5 who receives compensation by reason of the sale of tangible  
6 personal property of the principal, if such property is to be  
7 stored, used, or consumed in this state;

8       (25) "Storage", any keeping or retention in this state of  
9 tangible personal property purchased from a vendor, except  
10 property for sale or property that is temporarily kept or  
11 retained in this state for subsequent use outside the state;

12       [(15) The noun "tax" means]

13       (26) "Tax", either the tax payable by the purchaser of a  
14 commodity or service subject to tax, or the aggregate amount of  
15 taxes due from the vendor of such commodities or services during  
16 the period for which he or she is required to report his or her  
17 collections, as the context may require; [and]

18       (27) "Taxpayer", any person remitting the tax or who should  
19 remit the tax levied by this chapter;

20       [(16)] (28) "Telecommunications service", for the purpose  
21 of this chapter, the transmission of information by wire, radio,  
22 optical cable, coaxial cable, electronic impulses, or other  
23 similar means. As used in this definition, "information" means  
24 knowledge or intelligence represented by any form of writing,  
25 signs, signals, pictures, sounds, or any other symbols.  
26 Telecommunications service does not include the following if such  
27 services are separately stated on the customer's bill or on  
28 records of the seller maintained in the ordinary course of

1 business:

2 (a) Access to the internet, access to interactive computer  
3 services or electronic publishing services, except the amount  
4 paid for the telecommunications service used to provide such  
5 access;

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

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

11 (d) Cable or satellite television or music services;

12 (29) "Use", the exercise of any right or power over  
13 tangible personal property incident to the ownership or control  
14 of that property, except that it does not include the temporary  
15 storage of property in this state for subsequent use outside the  
16 state, or the sale of the property in the regular course of  
17 business;

18 (30) "Vendor", every person engaged in making sales of  
19 tangible personal property by mail order, by advertising, by  
20 agent or peddling tangible personal property, soliciting or  
21 taking orders for sales of tangible personal property, for  
22 storage, use or consumption in this state, all salesmen,  
23 solicitors, hawkers, representatives, consignees, peddlers or  
24 canvassers, as agents of the dealers, distributors, consignors,  
25 supervisors, principals or employers under whom they operate or  
26 from whom they obtain the tangible personal property sold by  
27 them, and every person who maintains a place of business in this  
28 state, maintains a stock of goods in this state, or engages in



1 business activities within this state and every person who  
2 engages in this state in the business of acting as a selling  
3 agent for persons not otherwise vendors as defined in this  
4 subdivision. Irrespective of whether they are making sales on  
5 their own behalf or on behalf of the dealers, distributors,  
6 consignors, supervisors, principals or employers, they must be  
7 regarded as vendors and the dealers, distributors, consignors,  
8 supervisors, principals or employers must be regarded as vendors  
9 for the purposes of sections 144.600 to 144.745.

10         2. For purposes of the taxes imposed under [sections  
11 144.010 to 144.525] this chapter, and any other provisions of law  
12 pertaining to sales or use taxes which incorporate the provisions  
13 of sections [144.010 to 144.525] this chapter by reference, the  
14 term manufactured homes shall have the same meaning given it in  
15 section 700.010.

16         [3. Sections 144.010 to 144.525 may be known and quoted as  
17 the "Sales Tax Law".]

18         144.011. 1. For purposes of [sections 144.010 to 144.525  
19 and 144.600 to 144.748] this chapter, and the taxes imposed  
20 thereby, the definition of "retail sale" or "sale at retail"  
21 shall not be construed to include any of the following:

22         (1) The transfer by one corporation of substantially all of  
23 its tangible personal property to another corporation pursuant to  
24 a merger or consolidation effected under the laws of the state of  
25 Missouri or any other jurisdiction;

26         (2) The transfer of tangible personal property incident to  
27 the liquidation or cessation of a taxpayer's trade or business,  
28 conducted in proprietorship, partnership or corporate form,

1     except to the extent any transfer is made in the ordinary course  
2     of the taxpayer's trade or business;

3             (3)   The transfer of tangible personal property to a  
4     corporation solely in exchange for its stock or securities;

5             (4)   The transfer of tangible personal property to a  
6     corporation by a shareholder as a contribution to the capital of  
7     the transferee corporation;

8             (5)   The transfer of tangible personal property to a  
9     partnership solely in exchange for a partnership interest  
10    therein;

11            (6)   The transfer of tangible personal property by a partner  
12    as a contribution to the capital of the transferee partnership;

13            (7)   The transfer of tangible personal property by a  
14    corporation to one or more of its shareholders as a dividend,  
15    return of capital, distribution in the partial or complete  
16    liquidation of the corporation or distribution in redemption of  
17    the shareholder's interest therein;

18            (8)   The transfer of tangible personal property by a  
19    partnership to one or more of its partners as a current  
20    distribution, return of capital or distribution in the partial or  
21    complete liquidation of the partnership or of the partner's  
22    interest therein;

23            (9)   The transfer of reusable containers used in connection  
24    with the sale of tangible personal property contained therein for  
25    which a deposit is required and refunded on return;

26            (10)  The purchase by persons operating eating or food  
27    service establishments, of items of a nonreusable nature which  
28    are furnished to the customers of such establishments with or in

1 conjunction with the retail sales of their food or beverage.  
2 Such items shall include, but not be limited to, wrapping or  
3 packaging materials and nonreusable paper, wood, plastic and  
4 aluminum articles such as containers, trays, napkins, dishes,  
5 silverware, cups, bags, boxes, straws, sticks and toothpicks;

6 (11) The purchase by persons operating hotels, motels or  
7 other transient accommodation establishments, of items of a  
8 nonreusable nature which are furnished to the guests in the  
9 guests' rooms of such establishments and such items are included  
10 in the charge made for such accommodations. Such items shall  
11 include, but not be limited to, soap, shampoo, tissue and other  
12 toiletries and food or confectionery items offered to the guests  
13 without charge;

14 (12) The transfer of a manufactured home other than:

15 (a) A transfer which involves the delivery of the document  
16 known as the "Manufacturer's Statement of Origin" to a person  
17 other than a manufactured home dealer, as defined in section  
18 700.010, for purposes of allowing such person to obtain a title  
19 to the manufactured home from the department of revenue of this  
20 state or the appropriate agency or officer of any other state;

21 (b) A transfer which involves the delivery of a  
22 "Repossessed Title" to a resident of this state if the tax  
23 imposed by [sections 144.010 to 144.525] this chapter was not  
24 paid on the transfer of the manufactured home described in  
25 paragraph (a) of this subdivision;

26 (c) The first transfer which occurs after December 31,  
27 1985, if the tax imposed by [sections 144.010 to 144.525] this  
28 chapter was not paid on any transfer of the same manufactured

1 home which occurred before December 31, 1985; or

2 (13) Charges for initiation fees or dues to:

3 (a) Fraternal beneficiaries societies, or domestic  
4 fraternal societies, orders or associations operating under the  
5 lodge system a substantial part of the activities of which are  
6 devoted to religious, charitable, scientific, literary,  
7 educational or fraternal purposes;

8 (b) Posts or organizations of past or present members of  
9 the Armed Forces of the United States or an auxiliary unit or  
10 society of, or a trust or foundation for, any such post or  
11 organization substantially all of the members of which are past  
12 or present members of the Armed Forces of the United States or  
13 who are cadets, spouses, widows, or widowers of past or present  
14 members of the Armed Forces of the United States, no part of the  
15 net earnings of which inures to the benefit of any private  
16 shareholder or individual; or

17 (c) Nonprofit organizations exempt from taxation under  
18 Section 501(c) (7) of the Internal Revenue Code of 1986, as  
19 amended.

20 2. The assumption of liabilities of the transferor by the  
21 transferee incident to any of the transactions enumerated in the  
22 above subdivisions (1) to (8) of subsection 1 of this section  
23 shall not disqualify the transfer from the exclusion described in  
24 this section, where such liability assumption is related to the  
25 property transferred and where the assumption does not have as  
26 its principal purpose the avoidance of Missouri sales or use tax.

27 144.014. 1. Notwithstanding other provisions of law to the  
28 contrary, beginning October 1, 1997, the tax levied and imposed

1 [pursuant to sections 144.010 to 144.525 and sections 144.600 to  
2 144.746] under this chapter on all retail sales of food shall be  
3 at the rate of one percent. The revenue derived from the one  
4 percent rate pursuant to this section shall be deposited by the  
5 state treasurer in the school district trust fund and shall be  
6 distributed as provided in section 144.701.

7 2. For the purposes of this section, the term "food" shall  
8 include only those products and types of food for which food  
9 stamps may be redeemed pursuant to the provisions of the Federal  
10 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that  
11 section now reads or as it may be amended hereafter, and shall  
12 include food dispensed by or through vending machines. For the  
13 purpose of this section, except for vending machine sales, the  
14 term "food" shall not include food or drink sold by any  
15 establishment where the gross receipts derived from the sale of  
16 food prepared by such establishment for immediate consumption on  
17 or off the premises of the establishment constitutes more than  
18 eighty percent of the total gross receipts of that establishment,  
19 regardless of whether such prepared food is consumed on the  
20 premises of that establishment, including, but not limited to,  
21 sales of food by any restaurant, fast food restaurant,  
22 delicatessen, eating house, or café.

23 144.016. 1. Beginning October 1, 2019, the tax levied and  
24 imposed under this chapter on all retail sales of feminine  
25 hygiene products shall be levied at a rate that shall not exceed  
26 the sales tax rate levied on the retail sale of food under  
27 section 144.014.

28 2. For purposes of this section, the term "feminine hygiene

1 products" shall mean tampons, pads, liners, and cups.

2 144.020. 1. A tax is hereby levied and imposed for the  
3 privilege of titling new and used motor vehicles, trailers,  
4 boats, and outboard motors purchased or acquired for use on the  
5 highways or waters of this state which are required to be titled  
6 under the laws of the state of Missouri and, except as provided  
7 in subdivision (9) of this subsection, upon all sellers for the  
8 privilege of engaging in the business of selling tangible  
9 personal property or rendering taxable service at retail in this  
10 state. The rate of tax shall be as follows:

11 (1) Upon every retail sale in this state of tangible  
12 personal property, excluding motor vehicles, trailers,  
13 motorcycles, mopeds, motortricycles, boats and outboard motors  
14 required to be titled under the laws of the state of Missouri and  
15 subject to tax under subdivision (9) of this subsection, a tax  
16 equivalent to four percent of the purchase price paid or charged,  
17 or in case such sale involves the exchange of property, a tax  
18 equivalent to four percent of the consideration paid or charged,  
19 including the fair market value of the property exchanged at the  
20 time and place of the exchange, except as otherwise provided in  
21 section 144.025;

22 (2) A tax equivalent to four percent of the amount paid for  
23 admission and seating accommodations, or fees paid to, or in any  
24 place of amusement, entertainment or recreation, games and  
25 athletic events, except amounts paid for any instructional class;

26 (3) A tax equivalent to four percent of the basic rate paid  
27 or charged on all sales of electricity or electrical current,  
28 water and gas, natural or artificial, to domestic, commercial or

1 industrial consumers;

2 (4) A tax equivalent to four percent on the basic rate paid  
3 or charged on all sales of local and long distance  
4 telecommunications service to telecommunications subscribers and  
5 to others through equipment of telecommunications subscribers for  
6 the transmission of messages and conversations and upon the sale,  
7 rental or leasing of all equipment or services pertaining or  
8 incidental thereto; except that, the payment made by  
9 telecommunications subscribers or others, pursuant to section  
10 144.060, and any amounts paid for access to the internet or  
11 interactive computer services shall not be considered as amounts  
12 paid for telecommunications services;

13 (5) A tax equivalent to four percent of the basic rate paid  
14 or charged for all sales of services for transmission of messages  
15 of telegraph companies;

16 (6) A tax equivalent to four percent on the amount of sales  
17 or charges for all rooms, meals and drinks furnished at any  
18 hotel, motel, tavern, inn, restaurant, eating house, drugstore,  
19 dining car, tourist cabin, tourist camp or other place in which  
20 rooms, meals or drinks are regularly served to the public. The  
21 tax imposed under this subdivision shall not apply to any  
22 automatic mandatory gratuity for a large group imposed by a  
23 restaurant when such gratuity is reported as employee tip income  
24 and the restaurant withholds income tax under section 143.191 on  
25 such gratuity;

26 (7) A tax equivalent to four percent of the amount paid or  
27 charged for intrastate tickets by every person operating a  
28 railroad, sleeping car, dining car, express car, boat, airplane

1 and such buses and trucks as are licensed by the division of  
2 motor carrier and railroad safety of the department of economic  
3 development of Missouri, engaged in the transportation of persons  
4 for hire;

5 (8) A tax equivalent to four percent of the amount paid or  
6 charged for rental or lease of tangible personal property,  
7 provided that if the lessor or renter of any tangible personal  
8 property had previously purchased the property under the  
9 conditions of sale at retail or leased or rented the property and  
10 the tax was paid at the time of purchase, lease or rental, the  
11 lessor, sublessor, renter or subrenter shall not apply or collect  
12 the tax on the subsequent lease, sublease, rental or subrental  
13 receipts from that property. The purchase, rental or lease of  
14 motor vehicles, trailers, motorcycles, mopeds, motortricycles,  
15 boats, and outboard motors shall be taxed and the tax paid as  
16 provided in this section and section 144.070. In no event shall  
17 the rental or lease of boats and outboard motors be considered a  
18 sale, charge, or fee to, for or in places of amusement,  
19 entertainment or recreation nor shall any such rental or lease be  
20 subject to any tax imposed to, for, or in such places of  
21 amusement, entertainment or recreation. Rental and leased boats  
22 or outboard motors shall be taxed under the provisions of the  
23 sales tax laws as provided under such laws for motor vehicles and  
24 trailers. Tangible personal property which is exempt from the  
25 sales or use tax under section 144.030 upon a sale thereof is  
26 likewise exempt from the sales or use tax upon the lease or  
27 rental thereof;

28 (9) A tax equivalent to four percent of the purchase price,



1 as defined in section 144.070, of new and used motor vehicles,  
2 trailers, boats, and outboard motors purchased or acquired for  
3 use on the highways or waters of this state which are required to  
4 be registered under the laws of the state of Missouri. This tax  
5 is imposed on the person titling such property, and shall be paid  
6 according to the procedures in section 144.440.

7 2. All tickets sold which are sold under the provisions of  
8 [sections 144.010 to 144.525] this chapter which are subject to  
9 the sales tax shall have printed, stamped or otherwise endorsed  
10 thereon, the words "This ticket is subject to a sales tax."

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

23 2. There are also specifically exempted from the provisions  
24 of the local sales tax law as defined in section 32.085, section  
25 238.235, and [sections 144.010 to 144.525 and 144.600 to 144.761]  
26 this chapter and from the computation of the tax levied, assessed  
27 or payable pursuant to the local sales tax law as defined in  
28 section 32.085, section 238.235, and [sections 144.010 to 144.525

1 and 144.600 to 144.745] this chapter:

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

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

1 which are ultimately consumed in the manufacturing process by  
2 blending, reacting or interacting with or by becoming, in whole  
3 or in part, component parts or ingredients of steel products  
4 intended to be sold ultimately for final use or consumption;

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

10 (4) Replacement machinery, equipment, and parts and the  
11 materials and supplies solely required for the installation or  
12 construction of such replacement machinery, equipment, and parts,  
13 used directly in manufacturing, mining, fabricating or producing  
14 a product which is intended to be sold ultimately for final use  
15 or consumption; and machinery and equipment, and the materials  
16 and supplies required solely for the operation, installation or  
17 construction of such machinery and equipment, purchased and used  
18 to establish new, or to replace or expand existing, material  
19 recovery processing plants in this state. For the purposes of  
20 this subdivision, a "material recovery processing plant" means a  
21 facility that has as its primary purpose the recovery of  
22 materials into a usable product or a different form which is used  
23 in producing a new product and shall include a facility or  
24 equipment which are used exclusively for the collection of  
25 recovered materials for delivery to a material recovery  
26 processing plant but shall not include motor vehicles used on  
27 highways. For purposes of this section, the terms motor vehicle  
28 and highway shall have the same meaning pursuant to section

1 301.010. For the purposes of this subdivision, subdivision (5)  
2 of this subsection, and section 144.054, as well as the  
3 definition in subdivision (9) of subsection 1 of section 144.010,  
4 the term "product" includes telecommunications services and the  
5 term "manufacturing" shall include the production, or production  
6 and transmission, of telecommunications services. The preceding  
7 sentence does not make a substantive change in the law and is  
8 intended to clarify that the term "manufacturing" has included  
9 and continues to include the production and transmission of  
10 "telecommunications services", as enacted in this subdivision and  
11 subdivision (5) of this subsection, as well as the definition in  
12 subdivision (9) of subsection 1 of section 144.010. The  
13 preceding two sentences reaffirm legislative intent consistent  
14 with the interpretation of this subdivision and subdivision (5)  
15 of this subsection in *Southwestern Bell Tel. Co. v. Director of*  
16 *Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel.*  
17 *Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and  
18 accordingly abrogates the Missouri supreme court's interpretation  
19 of those exemptions in *IBM Corporation v. Director of Revenue*,  
20 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with  
21 this section and *Southwestern Bell Tel. Co. v. Director of*  
22 *Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel.*  
23 *Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The  
24 construction and application of this subdivision as expressed by  
25 the Missouri supreme court in *DST Systems, Inc. v. Director of*  
26 *Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel.*  
27 *Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and  
28 *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226

1 (Mo. banc 2005), is hereby affirmed. Material recovery is not  
2 the reuse of materials within a manufacturing process or the use  
3 of a product previously recovered. The material recovery  
4 processing plant shall qualify under the provisions of this  
5 section regardless of ownership of the material being recovered;

6 (5) Machinery and equipment, and parts and the materials  
7 and supplies solely required for the installation or construction  
8 of such machinery and equipment, purchased and used to establish  
9 new or to expand existing manufacturing, mining or fabricating  
10 plants in the state if such machinery and equipment is used  
11 directly in manufacturing, mining or fabricating a product which  
12 is intended to be sold ultimately for final use or consumption.  
13 The construction and application of this subdivision as expressed  
14 by the Missouri supreme court in *DST Systems, Inc. v. Director of*  
15 *Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel.*  
16 *Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and  
17 *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226  
18 (Mo. banc 2005), is hereby affirmed;

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

23 (7) Animals or poultry used for breeding or feeding  
24 purposes, or captive wildlife;

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

1           (9) The rentals of films, records or any type of sound or  
2 picture transcriptions for public commercial display;

3           (10) Pumping machinery and equipment used to propel  
4 products delivered by pipelines engaged as common carriers;

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

10          (12) Electrical energy used in the actual primary  
11 manufacture, processing, compounding, mining or producing of a  
12 product, or electrical energy used in the actual secondary  
13 processing or fabricating of the product, or a material recovery  
14 processing plant as defined in subdivision (4) of this  
15 subsection, in facilities owned or leased by the taxpayer, if the  
16 total cost of electrical energy so used exceeds ten percent of  
17 the total cost of production, either primary or secondary,  
18 exclusive of the cost of electrical energy so used or if the raw  
19 materials used in such processing contain at least twenty-five  
20 percent recovered materials as defined in section 260.200. There  
21 shall be a rebuttable presumption that the raw materials used in  
22 the primary manufacture of automobiles contain at least  
23 twenty-five percent recovered materials. For purposes of this  
24 subdivision, "processing" means any mode of treatment, act or  
25 series of acts performed upon materials to transform and reduce  
26 them to a different state or thing, including treatment necessary  
27 to maintain or preserve such processing by the producer at the  
28 production facility;

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

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

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

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

16           (17) All amounts paid or charged for admission or  
17 participation or other fees paid by or other charges to  
18 individuals in or for any place of amusement, entertainment or  
19 recreation, games or athletic events, including museums, fairs,  
20 zoos and planetariums, owned or operated by a municipality or  
21 other political subdivision where all the proceeds derived  
22 therefrom benefit the municipality or other political subdivision  
23 and do not inure to any private person, firm, or corporation,  
24 provided, however, that a municipality or other political  
25 subdivision may enter into revenue-sharing agreements with  
26 private persons, firms, or corporations providing goods or  
27 services, including management services, in or for the place of  
28 amusement, entertainment or recreation, games or athletic events,

1 and provided further that nothing in this subdivision shall  
2 exempt from tax any amounts retained by any private person, firm,  
3 or corporation under such revenue-sharing agreement;

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



1 required by the Food and Drug Administration to meet the  
2 over-the-counter drug product labeling requirements in 21 CFR  
3 201.66, or its successor, as prescribed by a health care  
4 practitioner licensed to prescribe;

5 (19) All sales made by or to religious and charitable  
6 organizations and institutions in their religious, charitable or  
7 educational functions and activities and all sales made by or to  
8 all elementary and secondary schools operated at public expense  
9 in their educational functions and activities;

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

23 (21) All ticket sales made by benevolent, scientific and  
24 educational associations which are formed to foster, encourage,  
25 and promote progress and improvement in the science of  
26 agriculture and in the raising and breeding of animals, and by  
27 nonprofit summer theater organizations if such organizations are  
28 exempt from federal tax pursuant to the provisions of the

1 Internal Revenue Code and all admission charges and entry fees to  
2 the Missouri state fair or any fair conducted by a county  
3 agricultural and mechanical society organized and operated  
4 pursuant to sections 262.290 to 262.530;

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

1 "farm machinery and equipment" means new or used farm tractors  
2 and such other new or used farm machinery and equipment and  
3 repair or replacement parts thereon and any accessories for and  
4 upgrades to such farm machinery and equipment, rotary mowers used  
5 exclusively for agricultural purposes, and supplies and  
6 lubricants used exclusively, solely, and directly for producing  
7 crops, raising and feeding livestock, fish, poultry, pheasants,  
8 chukar, quail, or for producing milk for ultimate sale at retail,  
9 including field drain tile, and one-half of each purchaser's  
10 purchase of diesel fuel therefor which is:

11 (a) Used exclusively for agricultural purposes;

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

14 (c) Used directly in producing farm products to be sold  
15 ultimately in processed form or otherwise at retail or in  
16 producing farm products to be fed to livestock or poultry to be  
17 sold ultimately in processed form at retail;

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

23 (a) "Domestic use" means that portion of metered water  
24 service, electricity, electrical current, natural, artificial or  
25 propane gas, wood, coal or home heating oil, and in any city not  
26 within a county, metered or unmetered water service, which an  
27 individual occupant of a residential premises uses for  
28 nonbusiness, noncommercial or nonindustrial purposes. Utility

1 service through a single or master meter for residential  
2 apartments or condominiums, including service for common areas  
3 and facilities and vacant units, shall be deemed to be for  
4 domestic use. Each seller shall establish and maintain a system  
5 whereby individual purchases are determined as exempt or  
6 nonexempt;

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

22 (c) Each person making domestic use purchases of services  
23 or property and who uses any portion of the services or property  
24 so purchased for a nondomestic use shall, by the fifteenth day of  
25 the fourth month following the year of purchase, and without  
26 assessment, notice or demand, file a return and pay sales tax on  
27 that portion of nondomestic purchases. Each person making  
28 nondomestic purchases of services or property and who uses any

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

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

19 (25) Excise taxes, collected on sales at retail, imposed by  
20 Sections 4041, 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and  
21 4271 of Title 26, United States Code. The director of revenue  
22 shall promulgate rules pursuant to chapter 536 to eliminate all  
23 state and local sales taxes on such excise taxes;

24 (26) Sales of fuel consumed or used in the operation of  
25 ships, barges, or waterborne vessels which are used primarily in  
26 or for the transportation of property or cargo, or the conveyance  
27 of persons for hire, on navigable rivers bordering on or located  
28 in part in this state, if such fuel is delivered by the seller to

1 the purchaser's barge, ship, or waterborne vessel while it is  
2 afloat upon such river;

3 (27) All sales made to an interstate compact agency created  
4 pursuant to sections 70.370 to 70.441 or sections 238.010 to  
5 238.100 in the exercise of the functions and activities of such  
6 agency as provided pursuant to the compact;

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

14 (29) All livestock sales when either the seller is engaged  
15 in the growing, producing or feeding of such livestock, or the  
16 seller is engaged in the business of buying and selling,  
17 bartering or leasing of such livestock;

18 (30) All sales of barges which are to be used primarily in  
19 the transportation of property or cargo on interstate waterways;

20 (31) Electrical energy or gas, whether natural, artificial  
21 or propane, water, or other utilities which are ultimately  
22 consumed in connection with the manufacturing of cellular glass  
23 products or in any material recovery processing plant as defined  
24 in subdivision (4) of this subsection;

25 (32) Notwithstanding other provisions of law to the  
26 contrary, all sales of pesticides or herbicides used in the  
27 production of crops, aquaculture, livestock or poultry;

28 (33) Tangible personal property and utilities purchased for

1 use or consumption directly or exclusively in the research and  
2 development of agricultural/biotechnology and plant genomics  
3 products and prescription pharmaceuticals consumed by humans or  
4 animals;

5 (34) All sales of grain bins for storage of grain for  
6 resale;

7 (35) All sales of feed which are developed for and used in  
8 the feeding of pets owned by a commercial breeder when such sales  
9 are made to a commercial breeder, as defined in section 273.325,  
10 and licensed pursuant to sections 273.325 to 273.357;

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

1 purchased by a contractor for the purpose of fabricating tangible  
2 personal property which is used in fulfilling a contract for the  
3 purpose of constructing, repairing or remodeling facilities for  
4 the following:

5 (a) An exempt entity located in this state, if the entity  
6 is one of those entities able to issue project exemption  
7 certificates in accordance with the provisions of section  
8 144.062; or

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

13 (37) All sales or other transfers of tangible personal  
14 property to a lessor who leases the property under a lease of one  
15 year or longer executed or in effect at the time of the sale or  
16 other transfer to an interstate compact agency created pursuant  
17 to sections 70.370 to 70.441 or sections 238.010 to 238.100;

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

28 (39) All purchases by a sports complex authority created



1 under section 64.920, and all sales of utilities by such  
2 authority at the authority's cost that are consumed in connection  
3 with the operation of a sports complex leased to a professional  
4 sports team;

5 (40) All materials, replacement parts, and equipment  
6 purchased for use directly upon, and for the modification,  
7 replacement, repair, and maintenance of aircraft, aircraft power  
8 plants, and aircraft accessories;

9 (41) Sales of sporting clays, wobble, skeet, and trap  
10 targets to any shooting range or similar places of business for  
11 use in the normal course of business and money received by a  
12 shooting range or similar places of business from patrons and  
13 held by a shooting range or similar place of business for  
14 redistribution to patrons at the conclusion of a shooting event;

15 (42) All sales of motor fuel, as defined in section  
16 142.800, used in any watercraft, as defined in section 306.010;

17 (43) Any new or used aircraft sold or delivered in this  
18 state to a person who is not a resident of this state or a  
19 corporation that is not incorporated in this state, and such  
20 aircraft is not to be based in this state and shall not remain in  
21 this state more than ten business days subsequent to the last to  
22 occur of:

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

26 (b) The date of the return to service of the aircraft in  
27 accordance with 14 CFR 91.407 for any maintenance, preventive  
28 maintenance, rebuilding, alterations, repairs, or installations

1 that are completed contemporaneously with the transfer of title  
2 to the aircraft to a person who is not a resident of this state  
3 or a corporation that is not incorporated in this state;

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

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

18 (a) "Direct costs", costs incurred by a governmental  
19 authority solely because of an internet service provider's use of  
20 the public right-of-way. The term shall not include costs that  
21 the governmental authority would have incurred if the internet  
22 service provider did not make such use of the public  
23 right-of-way. Direct costs shall be determined in a manner  
24 consistent with generally accepted accounting principles;

25 (b) "Internet", computer and telecommunications facilities,  
26 including equipment and operating software, that comprises the  
27 interconnected worldwide network that employ the transmission  
28 control protocol or internet protocol, or any predecessor or

1 successor protocols to that protocol, to communicate information  
2 of all kinds by wire or radio;

3 (c) "Internet access", a service that enables users to  
4 connect to the internet to access content, information, or other  
5 services without regard to whether the service is referred to as  
6 telecommunications, communications, transmission, or similar  
7 services, and without regard to whether a provider of the service  
8 is subject to regulation by the Federal Communications Commission  
9 as a common carrier under 47 U.S.C. Section 201, et seq. For  
10 purposes of this subdivision, internet access also includes: the  
11 purchase, use, or sale of communications services, including  
12 telecommunications services as defined in section 144.010, to the  
13 extent the communications services are purchased, used, or sold  
14 to provide the service described in this subdivision or to  
15 otherwise enable users to access content, information, or other  
16 services offered over the internet; services that are incidental  
17 to the provision of a service described in this subdivision, when  
18 furnished to users as part of such service, including a home  
19 page, electronic mail, and instant messaging, including  
20 voice-capable and video-capable electronic mail and instant  
21 messaging, video clips, and personal electronic storage capacity;  
22 a home page electronic mail and instant messaging, including  
23 voice-capable and video-capable electronic mail and instant  
24 messaging, video clips, and personal electronic storage capacity  
25 that are provided independently or that are not packed with  
26 internet access. As used in this subdivision, internet access  
27 does not include voice, audio, and video programming or other  
28 products and services, except services described in this

1 paragraph or this subdivision, that use internet protocol or any  
2 successor protocol and for which there is a charge, regardless of  
3 whether the charge is separately stated or aggregated with the  
4 charge for services described in this paragraph or this  
5 subdivision;

6 (d) "Tax", any charge imposed by the state or a political  
7 subdivision of the state for the purpose of generating revenues  
8 for governmental purposes and that is not a fee imposed for a  
9 specific privilege, service, or benefit conferred, except as  
10 described as otherwise under this subdivision, or any obligation  
11 imposed on a seller to collect and to remit to the state or a  
12 political subdivision of the state any gross retail tax, sales  
13 tax, or use tax imposed on a buyer by such a governmental entity.  
14 The term tax shall not include any franchise fee or similar fee  
15 imposed or authorized under section 67.1830 or 67.2689; Section  
16 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section  
17 542 and 47 U.S.C. Section 573; or any other fee related to  
18 obligations of telecommunications carriers under the  
19 Communications Act of 1934, 47 U.S.C. Section 151, et seq.,  
20 except to the extent that:

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

25 b. The fee is imposed for the use of a public right-of-way  
26 based on a percentage of the service revenue, and the fee exceeds  
27 the incremental direct costs incurred by the governmental  
28 authority associated with the provision of that right-of-way to

1 the provider of internet access service.

2  
3 Nothing in this subdivision shall be interpreted as an exemption  
4 from taxes due on goods or services that were subject to tax on  
5 January 1, 2016;

6 (46) Usual and customary delivery charges that are stated  
7 separately from the sale price.

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

26 144.043. [1. As used in this section, the following terms  
27 mean:

28 (1) "Light aircraft", a light airplane that seats no more

1 than four persons, with a gross weight of three thousand pounds  
2 or less, which is primarily used for recreational flying or  
3 flight training;

4 (2) "Light aircraft kit", factory manufactured parts and  
5 components, including engine, propeller, instruments, wheels,  
6 brakes, and air frame parts which make up a complete aircraft kit  
7 or partial kit designed to be assembled into a light aircraft and  
8 then operated by a qualified purchaser for recreational and  
9 educational purposes;

10 (3) "Parts and components", manufactured light aircraft  
11 parts, including air frame and engine parts, that are required by  
12 the qualified purchaser to complete a light aircraft kit, or  
13 spare or replacement parts for an already completed light  
14 aircraft;

15 (4) "Qualified purchaser", a purchaser of a light aircraft,  
16 light aircraft kit, parts or components who is nonresident of  
17 this state, who will transport the light aircraft, light aircraft  
18 kit, parts or components outside this state within ten days after  
19 the date of purchase, and who will register any light aircraft so  
20 purchased in another state or country. Such purchaser shall not  
21 base such aircraft in this state and such purchaser shall not be  
22 a resident of the state unless such purchaser has paid sales or  
23 use tax on such aircraft in another state.

24 2.] In addition to the exemptions granted under the  
25 provisions of section 144.030, there shall also be specifically  
26 exempted from the provisions of [sections 144.010 to 144.525,  
27 sections 144.600 to 144.748, section 238.235,] this chapter and  
28 from the provisions of any local sales tax law, as defined in

1 section 32.085, and from the computation of the tax levied,  
2 assessed or payable under [sections 144.010 to 144.525, sections  
3 144.600 to 144.748, section 238.235,] this chapter and under any  
4 local sales tax law, as defined in section 32.085, all sales of  
5 new light aircraft, light aircraft kits, light aircraft parts or  
6 components manufactured or substantially completed within this  
7 state, when such new light aircraft, light aircraft kits, light  
8 aircraft parts or components are sold by the manufacturer to a  
9 qualified light aircraft purchaser. The director of revenue  
10 shall prescribe the manner for a purchaser of a light aircraft,  
11 light aircraft kit, light aircraft parts or components to  
12 establish that such person is a qualified light aircraft  
13 purchaser and is eligible for the exemption established in this  
14 section.

15 144.049. 1. For purposes of this section, the following  
16 terms mean:

17 (1) "Clothing", any article of wearing apparel intended to  
18 be worn on or about the human body including, but not limited to,  
19 disposable diapers for infants or adults and footwear. The term  
20 shall include, but not be limited to, cloth and other material  
21 used to make school uniforms or other school clothing. Items  
22 normally sold in pairs shall not be separated to qualify for the  
23 exemption. The term shall not include watches, watchbands,  
24 jewelry, handbags, handkerchiefs, umbrellas, scarves, ties,  
25 headbands, or belt buckles; and

26 (2) "Personal computers", a laptop, desktop, or tower  
27 computer system which consists of a central processing unit,  
28 random access memory, a storage drive, a display monitor, and a

1 keyboard and devices designed for use in conjunction with a  
2 personal computer, such as a disk drive, memory module, compact  
3 disk drive, daughterboard, digitizer, microphone, modem,  
4 motherboard, mouse, multimedia speaker, printer, scanner,  
5 single-user hardware, single-user operating system, soundcard, or  
6 video card;

7 (3) "School supplies", any item normally used by students  
8 in a standard classroom for educational purposes, including but  
9 not limited to textbooks, notebooks, paper, writing instruments,  
10 crayons, art supplies, rulers, book bags, backpacks, handheld  
11 calculators, chalk, maps, and globes. The term shall not include  
12 watches, radios, CD players, headphones, sporting equipment,  
13 portable or desktop telephones, copiers or other office  
14 equipment, furniture, or fixtures. School supplies shall also  
15 include computer software having a taxable value of three hundred  
16 fifty dollars or less and any graphing calculator having a  
17 taxable value of one hundred fifty dollars or less.

18 2. In each year beginning on or after January 1, 2005,  
19 there is hereby specifically exempted from state and local sales  
20 tax law all retail sales of any article of clothing having a  
21 taxable value of one hundred dollars or less, all retail sales of  
22 school supplies not to exceed fifty dollars per purchase, all  
23 computer software with a taxable value of three hundred fifty  
24 dollars or less, all graphing calculators having a taxable value  
25 of one hundred fifty dollars or less, and all retail sales of  
26 personal computers or computer peripheral devices not to exceed  
27 one thousand five hundred dollars, during a three-day period  
28 beginning at 12:01 a.m. on the first Friday in August and ending



1 at midnight on the Sunday following. Where a purchaser and  
2 seller are located in two different time zones, the time zone of  
3 the seller's location shall determine the authorized exemption  
4 period.

5 3. [If the governing body of any political subdivision  
6 adopted an ordinance that applied to the 2004 sales tax holiday  
7 to prohibit the provisions of this section from allowing the  
8 sales tax holiday to apply to such political subdivision's local  
9 sales tax, then, notwithstanding any provision of a local  
10 ordinance to the contrary, the 2005 sales tax holiday shall not  
11 apply to such political subdivision's local sales tax. However,  
12 any such political subdivision may enact an ordinance to allow  
13 the 2005 sales tax holiday to apply to its local sales taxes. A  
14 political subdivision must notify the department of revenue not  
15 less than forty-five calendar days prior to the beginning date of  
16 the sales tax holiday occurring in that year of any ordinance or  
17 order rescinding an ordinance or order to opt out.

18 4.] This section shall not apply to any sales which take  
19 place within the Missouri state fairgrounds.

20 [5.] 4. This section applies to sales of items bought for  
21 personal use only.

22 [6. After the 2005 sales tax holiday, any political  
23 subdivision may, by adopting an ordinance or order, choose to  
24 prohibit future annual sales tax holidays from applying to its  
25 local sales tax. After opting out, the political subdivision may  
26 rescind the ordinance or order. The political subdivision must  
27 notify the department of revenue not less than forty-five  
28 calendar days prior to the beginning date of the sales tax

1 holiday occurring in that year of any ordinance or order  
2 rescinding an ordinance or order to opt out.

3 7.] 5. This section may not apply to any retailer when less  
4 than two percent of the retailer's merchandise offered for sale  
5 qualifies for the sales tax holiday. The retailer [shall] may  
6 offer a sales tax refund in lieu of the sales tax holiday.

7 6. A sale of property which is eligible for an exemption  
8 under subsection 1 of this section but is purchased under a  
9 layaway sale shall only qualify for an exemption if:

10 (1) Final payment on a layaway order is made by, and the  
11 property is given to, the purchaser during the exemption period;  
12 or

13 (2) The purchaser selects the property and the seller  
14 accepts the order for the property during the exemption period,  
15 for immediate delivery upon full payment, even if delivery is  
16 made after the exemption period.

17 7. The exemption of a bundled transaction shall be  
18 calculated as provided by law for all other bundled transactions.

19 8. (1) For any discount offered by a seller that is a  
20 reduction of the sales price of the product, the discounted sales  
21 price shall determine whether the sales price falls below the  
22 price threshold provided in subsection 1 of this section. A  
23 coupon that reduces the sales price shall be treated as a  
24 discount only if the seller is not reimbursed for the coupon  
25 amount by a third party.

26 (2) If a discount applies to the total amount paid by a  
27 purchaser rather than to the sales price of a particular product  
28 and the purchaser has purchased both exempt property and taxable

1 property, the seller shall allocate the discount based on the  
2 total sales prices of the taxable property compared to the total  
3 sales prices of all property sold in the same transaction.

4 9. Items that are normally sold as a single unit shall  
5 continue to be sold in that manner and shall not be priced  
6 separately and sold as individual items.

7 10. Items that are purchased during an exemption period but  
8 that are not delivered to the purchaser until after the exemption  
9 period due to the item not being in stock shall qualify for an  
10 exemption. The provisions of this subsection shall not apply to  
11 an item that was delivered during an exemption period but was  
12 purchased prior to or after the exemption period.

13 11. (1) If a purchaser purchases an item of eligible  
14 property during an exemption period, but later exchanges the item  
15 for a similar eligible item after the exemption period, no  
16 additional tax shall be due on the new item.

17 (2) If a purchaser purchases an item of eligible property  
18 during an exemption period, but later returns the item after the  
19 exemption period and receives credit on the purchase of a  
20 different nonexempt item, the appropriate sales tax shall be due  
21 on the sale of the newly purchased item.

22 (3) If a purchaser purchases an item of eligible property  
23 before an exemption period, but during the exemption period  
24 returns the item and receives credit on the purchase of a  
25 different item of eligible property, no sales tax shall be due on  
26 the sale of the new item if the new item is purchased during the  
27 exemption period.

28 (4) For a sixty day period immediately following the end of

1 the exemption period, if a purchaser returns an exempt item no  
2 credit for or refund of sales tax shall be given unless the  
3 purchaser provides a receipt or invoice that shows tax was paid,  
4 or the seller has sufficient documentation to show that tax was  
5 paid on the item being returned.

6 144.054. 1. As used in this section, the following terms  
7 mean:

8 (1) "Processing", any mode of treatment, act, or series of  
9 acts performed upon materials to transform or reduce them to a  
10 different state or thing, including treatment necessary to  
11 maintain or preserve such processing by the producer at the  
12 production facility;

13 (2) "Producing" includes, but is not limited to, the  
14 production of, including the production and transmission of,  
15 telecommunication services;

16 (3) "Product" includes, but is not limited to,  
17 telecommunications services;

18 (4) "Recovered materials", those materials which have been  
19 diverted or removed from the solid waste stream for sale, use,  
20 reuse, or recycling, whether or not they require subsequent  
21 separation and processing.

22 2. In addition to all other exemptions granted under this  
23 chapter, there is hereby specifically exempted from the  
24 provisions of [sections 144.010 to 144.525 and 144.600 to  
25 144.761, and from the computation of the tax levied, assessed, or  
26 payable under sections 144.010 to 144.525 and 144.600 to  
27 144.761,] this chapter and the local sales tax law as defined in  
28 section 32.085 and from the computation of the tax levied,

1 assessed, or payable under this chapter and the local sales tax  
2 law as defined in section 32.085 electrical energy and gas,  
3 whether natural, artificial, or propane, water, coal, and energy  
4 sources, chemicals, machinery, equipment, and materials used or  
5 consumed in the manufacturing, processing, compounding, mining,  
6 or producing of any product, or used or consumed in the  
7 processing of recovered materials, or used in research and  
8 development related to manufacturing, processing, compounding,  
9 mining, or producing any product. [The exemptions granted in  
10 this subsection shall not apply to local sales taxes as defined  
11 in section 32.085 and the provisions of this subsection shall be  
12 in addition to any state and local sales tax exemption provided  
13 in section 144.030.] The construction and application of this  
14 subsection as expressed by the Missouri supreme court in DST  
15 Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc  
16 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78  
17 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v.  
18 Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby  
19 affirmed.

20 3. In addition to all other exemptions granted under this  
21 chapter, there is hereby specifically exempted from the  
22 provisions of [sections 144.010 to 144.525 and 144.600 to  
23 144.761, and section 238.235,] this chapter and the local sales  
24 tax law as defined in section 32.085, and from the computation of  
25 the tax levied, assessed, or payable under [sections 144.010 to  
26 144.525 and 144.600 to 144.761, and section 238.235,] this  
27 chapter and the local sales tax law as defined in section 32.085,  
28 all utilities, machinery, and equipment used or consumed directly

1 in television or radio broadcasting and all sales and purchases  
2 of tangible personal property, utilities, services, or any other  
3 transaction that would otherwise be subject to the state or local  
4 sales or use tax when such sales are made to or purchases are  
5 made by a contractor for use in fulfillment of any obligation  
6 under a defense contract with the United States government, and  
7 all sales and leases of tangible personal property by any county,  
8 city, incorporated town, or village, provided such sale or lease  
9 is authorized under chapter 100, and such transaction is  
10 certified for sales tax exemption by the department of economic  
11 development, and tangible personal property used for railroad  
12 infrastructure brought into this state for processing,  
13 fabrication, or other modification for use outside the state in  
14 the regular course of business.

15 4. In addition to all other exemptions granted under this  
16 chapter, there is hereby specifically exempted from the  
17 provisions of [sections 144.010 to 144.525 and 144.600 to  
18 144.761, and section 238.235,] this chapter and the local sales  
19 tax law as defined in section 32.085, and from the computation of  
20 the tax levied, assessed, or payable under [sections 144.010 to  
21 144.525 and 144.600 to 144.761, and section 238.235,] this  
22 chapter and the local sales tax law as defined in section 32.085,  
23 all sales and purchases of tangible personal property, utilities,  
24 services, or any other transaction that would otherwise be  
25 subject to the state or local sales or use tax when such sales  
26 are made to or purchases are made by a private partner for use in  
27 completing a project under sections 227.600 to 227.669.

28 5. In addition to all other exemptions granted under this

1 chapter, there is hereby specifically exempted from the  
2 provisions of [sections 144.010 to 144.525 and 144.600 to  
3 144.761, and section 238.235,] this chapter and the local sales  
4 tax law as defined in section 32.085, and from the computation of  
5 the tax levied, assessed, or payable under [sections 144.010 to  
6 144.525 and 144.600 to 144.761, and section 238.235,] this  
7 chapter and the local sales tax law as defined in section 32.085,  
8 all materials, manufactured goods, machinery and parts,  
9 electrical energy and gas, whether natural, artificial or  
10 propane, water, coal and other energy sources, chemicals, soaps,  
11 detergents, cleaning and sanitizing agents, and other ingredients  
12 and materials inserted by commercial or industrial laundries to  
13 treat, clean, and sanitize textiles in facilities which process  
14 at least five hundred pounds of textiles per hour and at least  
15 sixty thousand pounds per week.

16 144.060. 1. It shall be the duty of every person making  
17 any purchase or receiving any service upon which a tax is imposed  
18 by sections 144.010 to 144.510 to pay, to the extent possible  
19 under the provisions of section 144.285, the amount of such tax  
20 to the person making such sale or rendering such service. Any  
21 person who shall willfully and intentionally refuse to pay such  
22 tax shall be guilty of a misdemeanor. The provisions of this  
23 section shall not apply to any person making any purchase or sale  
24 of a motor vehicle subject to sales tax as provided by the  
25 Missouri sales tax law, unless such person making the sale is a  
26 motor vehicle dealer authorized to collect and remit sales tax  
27 pursuant to subsection 8 of section 144.070.

28 2. A purchaser shall be relieved from any additional tax,

1 interest, additions, or penalties for failure to collect and  
2 remit the proper amount of tax owed on a purchase subject to  
3 sales tax under this chapter if:

4 (1) A purchaser's seller or a certified service provider  
5 relied on erroneous data provided by the director on tax rates,  
6 boundaries, taxing jurisdiction assignments, or in the taxability  
7 matrix created pursuant to section 144.124;

8 (2) A purchaser using a database created pursuant to  
9 section 144.123 received erroneous data provided by the director  
10 on tax rates, boundaries, or taxing jurisdiction assignments; or

11 (3) A purchaser relied on erroneous data provided by the  
12 director in the taxability matrix created pursuant to section  
13 144.124.

14 144.080. 1. Every person receiving any payment or  
15 consideration upon the sale of property or rendering of service,  
16 subject to the tax imposed by the provisions of sections 144.010  
17 to [144.525] 144.527, is exercising the taxable privilege of  
18 selling the property or rendering the service at retail and is  
19 subject to the tax levied in section 144.020. The person shall  
20 be responsible not only for the collection of the amount of the  
21 tax imposed on the sale or service to the extent possible under  
22 the provisions of section 144.285, but shall, on or before the  
23 last day of the month following each calendar quarterly period of  
24 three months, file a return with the director of revenue showing  
25 the person's gross receipts and the amount of tax levied in  
26 section 144.020 for the preceding quarter, and shall remit to the  
27 director of revenue, with the return, the taxes levied in section  
28 144.020, except as provided in [subsections 2 and 3] subsection 2



1 of this section. The director of revenue may promulgate rules or  
2 regulations changing the filing and payment requirements of  
3 sellers, but shall not require any seller to file and pay more  
4 frequently than required in this section.

5 2. [Where the aggregate amount levied and imposed upon a  
6 seller by section 144.020 is in excess of two hundred fifty  
7 dollars for either the first or second month of a calendar  
8 quarter, the seller shall file a return and pay such aggregate  
9 amount for such months to the director of revenue by the  
10 twentieth day of the succeeding month.

11 3.] Where the aggregate amount levied and imposed upon a  
12 seller by section 144.020 is less than forty-five dollars in a  
13 calendar quarter, the director of revenue shall by regulation  
14 permit the seller to file a return for a calendar year. The  
15 return shall be filed and the taxes paid on or before January  
16 thirty-first of the succeeding year.

17 [4.] 3. The seller of any property or person rendering any  
18 service, subject to the tax imposed by sections 144.010 to  
19 [144.525] 144.527, shall collect the tax from the purchaser of  
20 such property or the recipient of the service to the extent  
21 possible under the provisions of section 144.285, but the  
22 seller's inability to collect any part or all of the tax does not  
23 relieve the seller of the obligation to pay to the state the tax  
24 imposed by section 144.020; except that the collection of the tax  
25 imposed by sections 144.010 to [144.525] 144.527 on motor  
26 vehicles and trailers shall be made as provided in sections  
27 144.070 and 144.440.

28 [5.] 4. Any person may advertise or hold out or state to

1 the public or to any customer directly that the tax or any part  
2 thereof imposed by sections 144.010 to [144.525] 144.527, and  
3 required to be collected by the person, will be assumed or  
4 absorbed by the person, provided that the amount of tax assumed  
5 or absorbed shall be stated on any invoice or receipt for the  
6 property sold or service rendered. Any person violating any of  
7 the provisions of this section shall be guilty of a misdemeanor.  
8 This subsection shall not apply to any retailer prohibited from  
9 collecting and remitting sales tax under section 66.630.

10 144.083. 1. The director of revenue shall require all  
11 persons who are responsible for the collection of taxes under the  
12 provisions of section 144.080 to procure a retail sales license  
13 at no cost to the licensee which shall be prominently displayed  
14 at the licensee's place of business, and the license is valid  
15 until revoked by the director or surrendered by the person to  
16 whom issued when sales are discontinued. The director shall  
17 issue the retail sales license within ten working days following  
18 the receipt of a properly completed application. Any person  
19 applying for a retail sales license or reinstatement of a revoked  
20 sales tax license who owes any tax under [sections 144.010 to  
21 144.510] this chapter or sections 143.191 to 143.261 must pay the  
22 amount due plus interest and penalties before the department may  
23 issue the applicant a license or reinstate the revoked license.  
24 All persons beginning business subsequent to August 13, 1986, and  
25 who are required to collect the sales tax shall secure a retail  
26 sales license prior to making sales at retail. Such license may,  
27 after ten days' notice, be revoked by the director of revenue  
28 only in the event the licensee shall be in default for a period

1 of sixty days in the payment of any taxes levied under section  
2 144.020 or sections 143.191 to 143.261. Notwithstanding the  
3 provisions of section 32.057 in the event of revocation, the  
4 director of revenue may publish the status of the business  
5 account including the date of revocation in a manner as  
6 determined by the director.

7 2. The possession of a retail sales license and a statement  
8 from the department of revenue that the licensee owes no tax due  
9 under sections 144.010 to [144.510] 144.527 or sections 143.191  
10 to 143.261 shall be a prerequisite to the issuance or renewal of  
11 any city or county occupation license or any state license which  
12 is required for conducting any business where goods are sold at  
13 retail. The date of issuance on the statement that the licensee  
14 owes no tax due shall be no more than ninety days before the date  
15 of submission for application or renewal of the local license.  
16 The revocation of a retailer's license by the director shall  
17 render the occupational license or the state license null and  
18 void.

19 3. No person responsible for the collection of taxes under  
20 section 144.080 shall make sales at retail unless such person is  
21 the holder of a valid retail sales license. After all appeals  
22 have been exhausted, the director of revenue may notify the  
23 county or city law enforcement agency representing the area in  
24 which the former licensee's business is located that the retail  
25 sales license of such person has been revoked, and that any  
26 county or city occupation license of such person is also revoked.  
27 The county or city may enforce the provisions of this section,  
28 and may prohibit further sales at retail by such person.

1           4. In addition to the provisions of subsection 2 of this  
2 section, beginning January 1, 2009, the possession of a statement  
3 from the department of revenue stating no tax is due under  
4 sections 143.191 to 143.265 or sections 144.010 to [144.510]  
5 144.527 shall also be a prerequisite to the issuance or renewal  
6 of any city or county occupation license or any state license  
7 required for conducting any business where goods are sold at  
8 retail. The statement of no tax due shall be dated no longer  
9 than ninety days before the date of submission for application or  
10 renewal of the city or county license.

11           [5. Notwithstanding any law or rule to the contrary, sales  
12 tax shall only apply to the sale price paid by the final  
13 purchaser and not to any off-invoice discounts or other pricing  
14 discounts or mechanisms negotiated between manufacturers,  
15 wholesalers, and retailers.]

16           144.084. 1. The director shall promulgate rules and  
17 regulations for the remittance of returns. Certified service  
18 providers shall file a return on behalf of its sellers and shall  
19 be required to file the return at the times provided in sections  
20 144.080 and 144.090.

21           2. For the purpose of more efficiently securing the payment  
22 of and accounting for the tax collected and remitted by certified  
23 service providers under this chapter, the director of revenue  
24 shall make, promulgate, and enforce reasonable rules and  
25 regulations for the administration and enforcement of provisions  
26 of this chapter relating to the collection and remittance of  
27 sales and use tax by certified service providers. Any rule or  
28 portion of a rule, as that term is defined in section 536.010

1 that is created under the authority delegated in this section  
2 shall become effective only if it complies with and is subject to  
3 all of the provisions of chapter 536, and, if applicable, section  
4 536.028. This section and chapter 536 are nonseverable and if  
5 any of the powers vested with the general assembly pursuant to  
6 chapter 536, to review, to delay the effective date, or to  
7 disapprove and annul a rule are subsequently held  
8 unconstitutional, then the grant of rulemaking authority and any  
9 rule proposed or adopted after August 28, 2019, shall be invalid  
10 and void.

11 144.109. 1. Certified service providers providing services  
12 to sellers shall not be certified unless:

13 (1) The provider's system has been designed and tested to  
14 ensure the anonymity of purchasers unless otherwise required by  
15 law;

16 (2) Personally identifiable information is only used and  
17 retained to the extent necessary with respect to exempt  
18 purchasers, and for the identification of taxing jurisdictions;

19 (3) The provider provides consumers with clear and  
20 conspicuous notice of its information practices, including what  
21 information it collects, how it collects such information, how it  
22 uses such information, how long, if at all, it retains such  
23 information, and whether it discloses such information to the  
24 state. Such notice shall be satisfied by a written privacy  
25 policy statement accessible by the public on the certified  
26 service provider's website;

27 (4) The providers's collection, use, and retention of  
28 personally identifiable information will be limited to that

1 required by the state to ensure the validity of exemptions from  
2 taxation that are claimed by reason of a purchaser's status or  
3 the intended use of the goods or services purchased, and for the  
4 documentation of correct assignment of taxing jurisdictions; and

5 (5) The provider provides adequate technical, physical, and  
6 administrative safeguards so as to protect personally  
7 identifiable information from unauthorized access and disclosure.

8 2. (1) When any personally identifiable information that  
9 has been collected and retained is no longer required for the  
10 purposes set forth in subdivision (4) of subsection 1 of this  
11 section, such information shall no longer be retained by the  
12 state.

13 (2) When personally identifiable information regarding an  
14 individual is retained by or on behalf of the state, the state  
15 shall provide reasonable access by such individual to his or her  
16 own information in the state's possession, as well as a right to  
17 correct any inaccurately recorded information.

18 (3) If anyone other than the state, or a person authorized  
19 by the state, seeks to discover personally identifiable  
20 information of an individual, the state shall make a reasonable  
21 and timely effort to notify the individual of such request.

22 3. The attorney general for the state of Missouri shall  
23 have the power to enforce the provisions of this section.

24 144.123. 1. The director shall provide and maintain a  
25 database that describes boundary changes for all taxing  
26 jurisdictions and the effective dates of such changes for sales  
27 and use tax purposes.

28 2. The director shall provide and maintain a database of

1 all sales and use tax rates for all taxing jurisdictions. For  
2 the identification of counties and cities, codes corresponding to  
3 the rates shall be provided according to Federal Information  
4 Processing Standards (FIPS) as developed by the National  
5 Institute of Standards and Technology. For the identification of  
6 all other jurisdictions, codes corresponding to the rates shall  
7 be in a format determined by the director.

8 3. The director shall provide and maintain a database that  
9 assigns each five- and nine-digit zip code to the proper rates  
10 and taxing jurisdictions. The lowest combined tax rate imposed  
11 in the zip code area shall apply if the area includes more than  
12 one tax rate in any level of taxing jurisdiction. If a nine-  
13 digit zip code designation is not available for a street address,  
14 or if a seller or a certified service provider (CSP) is unable to  
15 determine the nine-digit zip code designation applicable to a  
16 purchase after exercising due diligence to determine the  
17 designation, the seller or CSP may apply the rate for the five-  
18 digit zip code area. For purposes of this section, there shall  
19 be a rebuttable presumption that a seller or CSP has exercised  
20 due diligence if the seller has attempted to determine the nine-  
21 digit zip code designation by utilizing software approved by the  
22 governing board that makes this designation from the street  
23 address and the five-digit zip code applicable to a purchase.

24 4. The director may provide address-based boundary database  
25 records for assigning taxing jurisdictions and associated rates  
26 which shall be in addition to the requirements of subsection 3 of  
27 this section. The database records shall be in the same approved  
28 format as the database records required under subsection 3 of

1 this section and shall meet the requirements developed pursuant  
2 to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.  
3 Section 119(a). If the director develops address-based  
4 assignment database records sellers and CSPs shall be required to  
5 use such database. A seller or CSP shall use such database  
6 records in place of the five- and nine-digit zip code database  
7 records provided for in subsection 3 of this section. If a  
8 seller or CSP is unable to determine the applicable rate and  
9 jurisdiction using an address-based database record after  
10 exercising due diligence, the seller or CSP may apply the nine-  
11 digit zip code designation applicable to a purchase. If a nine-  
12 digit zip code designation is not available for a street address  
13 or if a seller or CSP is unable to determine the nine-digit zip  
14 code designation applicable to a purchase after exercising due  
15 diligence to determine the designation, the seller or CSP may  
16 apply the rate for the five-digit zip code area. For the  
17 purposes of this section, there shall be a rebuttable presumption  
18 that a seller or CSP has exercised due diligence if the seller or  
19 CSP has attempted to determine the tax rate and jurisdiction by  
20 utilizing software approved by the director and makes the  
21 assignment from the address and zip code information applicable  
22 to the purchase. If the director has met the requirements of  
23 subsection 3 of this section, the director may also elect to  
24 certify vendor provided address-based databases for assigning tax  
25 rates and jurisdictions. The databases shall be in the same  
26 approved format as the database records under this section and  
27 meet the requirements developed pursuant to the federal Mobile  
28 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the



1 director certifies a vendor address-based database, a seller or  
2 CSP may use such database in place of the database provided for  
3 in this subsection.

4 5. The electronic databases provided for in subsections 1,  
5 2, 3, and 4 of this section shall be in downloadable format as  
6 determined by the director. The databases may be directly  
7 provided by the director or provided by a vendor as designated by  
8 the director. A database provided by a vendor as designated by  
9 the director shall be applicable and subject to the provisions of  
10 this section. The databases shall be provided at no cost to the  
11 user of the database. The provisions of subsections 3 and 4 of  
12 this section shall not apply when the purchased product is  
13 received by the purchaser at the business location of the seller.

14 6. No seller or CSP shall be liable for reliance upon  
15 erroneous data provided or approved by the director on tax rates,  
16 boundaries, or taxing jurisdiction assignments, and no seller  
17 shall be liable for erroneous returns made by a CSP on behalf of  
18 the seller.

19 7. In lieu of a database provided under this section, a  
20 certified service provider, seller, or marketplace facilitator as  
21 defined under section 144.752, may utilize proprietary data that  
22 provides information on sales and use tax rates for all taxing  
23 jurisdictions, provided the director of revenue certifies that  
24 such proprietary data at a minimum meets the requirements of the  
25 database required under the provisions of this section.

26 144.124. 1. The director shall complete a taxability  
27 matrix. The state's entries in the matrix shall be provided and  
28 maintained by the director in a database that is in a

1 downloadable format.

2 2. The director shall provide reasonable notice of changes  
3 in the taxability of the products or services listed in the  
4 taxability matrix.

5 3. A seller or CSP shall be relieved from liability to this  
6 state or any local taxing jurisdiction for having charged and  
7 collected the incorrect amount of state or local sales or use tax  
8 resulting from such seller's or CSP's reliance upon erroneous  
9 data provided or approved by the director in the taxability  
10 matrix, and a seller shall be relieved from liability for  
11 erroneous returns made by a CSP on behalf of the seller.

12 144.140. 1. From every remittance to the director of  
13 revenue made on or before the date when the same becomes due, the  
14 person required to remit the same shall be entitled to deduct and  
15 retain an amount equal to two percent thereof.

16 2. The director shall provide a monetary allowance from the  
17 taxes collected to a CSP under the terms of the contract signed  
18 with the provider, provided that such allowance shall be funded  
19 entirely from money collected by the CSP.

20 3. Any vendor receiving an allowance under subsection 2 of  
21 this section shall not be entitled to simultaneously deduct the  
22 allowance provided for under subsection 1 of this section.

23 144.190. 1. If a tax has been incorrectly computed by  
24 reason of a clerical error or mistake on the part of the director  
25 of revenue, such fact shall be set forth in the records of the  
26 director of revenue, and the amount of the overpayment shall be  
27 credited on any taxes then due from the person legally obligated  
28 to remit the tax pursuant to sections 144.010 to [144.525]

1 144.527, and the balance shall be refunded to the person legally  
2 obligated to remit the tax, such person's administrators or  
3 executors, as provided for in section 144.200.

4 2. If any tax, penalty or interest has been paid more than  
5 once, or has been erroneously or illegally collected, or has been  
6 erroneously or illegally computed, such sum shall be credited on  
7 any taxes then due from the person legally obligated to remit the  
8 tax pursuant to sections 144.010 to ~~[144.525]~~ 144.527, and the  
9 balance, with interest as determined by section 32.065, shall be  
10 refunded to the person legally obligated to remit the tax, but no  
11 such credit or refund shall be allowed unless duplicate copies of  
12 a claim for refund are filed within three years from date of  
13 overpayment.

14 3. Every claim for refund must be in writing and signed by  
15 the applicant, and must state the specific grounds upon which the  
16 claim is founded. Any refund or any portion thereof which is  
17 erroneously made, and any credit or any portion thereof which is  
18 erroneously allowed, may be recovered in any action brought by  
19 the director of revenue against the person legally obligated to  
20 remit the tax. In the event that a tax has been illegally  
21 imposed against a person legally obligated to remit the tax, the  
22 director of revenue shall authorize the cancellation of the tax  
23 upon the director's record.

24 4. Notwithstanding the provisions of section 32.057, a  
25 purchaser that originally paid sales or use tax to a vendor or  
26 seller may submit a refund claim directly to the director of  
27 revenue for such sales or use taxes paid to such vendor or seller  
28 and remitted to the director, provided no sum shall be refunded

1 more than once, any such claim shall be subject to any offset,  
2 defense, or other claim the director otherwise would have against  
3 either the purchaser or vendor or seller, and such claim for  
4 refund is accompanied by either:

5 (1) A notarized assignment of rights statement by the  
6 vendor or seller to the purchaser allowing the purchaser to seek  
7 the refund on behalf of the vendor or seller. An assignment of  
8 rights statement shall contain the Missouri sales or use tax  
9 registration number of the vendor or seller, a list of the  
10 transactions covered by the assignment, the tax periods and  
11 location for which the original sale was reported to the director  
12 of revenue by the vendor or seller, and a notarized statement  
13 signed by the vendor or seller affirming that the vendor or  
14 seller has not received a refund or credit, will not apply for a  
15 refund or credit of the tax collected on any transactions covered  
16 by the assignment, and authorizes the director to amend the  
17 seller's return to reflect the refund; or

18 (2) In the event the vendor or seller fails or refuses to  
19 provide an assignment of rights statement within sixty days from  
20 the date of such purchaser's written request to the vendor or  
21 seller, or the purchaser is not able to locate the vendor or  
22 seller or the vendor or seller is no longer in business, the  
23 purchaser may provide the director a notarized statement  
24 confirming the efforts that have been made to obtain an  
25 assignment of rights from the vendor or seller. Such statement  
26 shall contain a list of the transactions covered by the  
27 assignment, the tax periods and location for which the original  
28 sale was reported to the director of revenue by the vendor or

1 seller.

2

3 The director shall not require such vendor, seller, or purchaser  
4 to submit amended returns for refund claims submitted under the  
5 provisions of this subsection. Notwithstanding the provisions of  
6 section 32.057, if the seller is registered with the director for  
7 collection and remittance of sales tax, the director shall notify  
8 the seller at the seller's last known address of the claim for  
9 refund. If the seller objects to the refund within thirty days  
10 of the date of the notice, the director shall not pay the refund.  
11 If the seller agrees that the refund is warranted or fails to  
12 respond within thirty days, the director may issue the refund and  
13 amend the seller's return to reflect the refund. For purposes of  
14 section 32.069, the refund claim shall not be considered to have  
15 been filed until the seller agrees that the refund is warranted  
16 or thirty days after the date the director notified the seller  
17 and the seller failed to respond.

18 5. Notwithstanding the provisions of section 32.057, when a  
19 vendor files a refund claim on behalf of a purchaser and such  
20 refund claim is denied by the director, notice of such denial and  
21 the reason for the denial shall be sent by the director to the  
22 vendor and each purchaser whose name and address is submitted  
23 with the refund claim form filed by the vendor. A purchaser  
24 shall be entitled to appeal the denial of the refund claim within  
25 sixty days of the date such notice of denial is mailed by the  
26 director as provided in section 144.261. The provisions of this  
27 subsection shall apply to all refund claims filed after August  
28 28, 2012. The provisions of this subsection allowing a purchaser

1 to appeal the director's decision to deny a refund claim shall  
2 also apply to any refund claim denied by the director on or after  
3 January 1, 2007, if an appeal of the denial of the refund claim  
4 is filed by the purchaser no later than September 28, 2012, and  
5 if such claim is based solely on the issue of the exemption of  
6 the electronic transmission or delivery of computer software.

7 6. Notwithstanding the provisions of this section, the  
8 director of revenue shall authorize direct-pay agreements to  
9 purchasers which have annual purchases in excess of seven hundred  
10 fifty thousand dollars pursuant to rules and regulations adopted  
11 by the director of revenue. For the purposes of such direct-pay  
12 agreements, the taxes authorized pursuant to chapters 66, 67, 70,  
13 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon  
14 the location of the place of business of the purchaser.

15 7. Special rules applicable to error corrections requested  
16 by customers of mobile telecommunications service are as follows:

17 (1) For purposes of this subsection, the terms "customer",  
18 "home service provider", "place of primary use", "electronic  
19 database", and "enhanced zip code" shall have the same meanings  
20 as defined in the Mobile Telecommunications Sourcing Act  
21 incorporated by reference in section 144.013;

22 (2) Notwithstanding the provisions of this section, if a  
23 customer of mobile telecommunications services believes that the  
24 amount of tax, the assignment of place of primary use or the  
25 taxing jurisdiction included on a billing is erroneous, the  
26 customer shall notify the home service provider, in writing,  
27 within three years from the date of the billing statement. The  
28 customer shall include in such written notification the street

1 address for the customer's place of primary use, the account name  
2 and number for which the customer seeks a correction of the tax  
3 assignment, a description of the error asserted by the customer  
4 and any other information the home service provider reasonably  
5 requires to process the request;

6 (3) Within sixty days of receiving the customer's notice,  
7 the home service provider shall review its records and the  
8 electronic database or enhanced zip code to determine the  
9 customer's correct taxing jurisdiction. If the home service  
10 provider determines that the review shows that the amount of tax,  
11 assignment of place of primary use or taxing jurisdiction is in  
12 error, the home service provider shall correct the error and, at  
13 its election, either refund or credit the amount of tax  
14 erroneously collected to the customer for a period of up to three  
15 years from the last day of the home service provider's sixty-day  
16 review period. If the home service provider determines that the  
17 review shows that the amount of tax, the assignment of place of  
18 primary use or the taxing jurisdiction is correct, the home  
19 service provider shall provide a written explanation of its  
20 determination to the customer.

21 8. For all refund claims submitted to the department of  
22 revenue on or after September 1, 2003, notwithstanding any  
23 provision of this section to the contrary, if a person legally  
24 obligated to remit the tax levied pursuant to sections 144.010 to  
25 [144.525] 144.527 has received a refund of such taxes for a  
26 specific issue and submits a subsequent claim for refund of such  
27 taxes on the same issue for a tax period beginning on or after  
28 the date the original refund check issued to such person, no

1 refund shall be allowed. This subsection shall not apply and a  
2 refund shall be allowed if the refund claim is filed by a  
3 purchaser under the provisions of subsection 4 of this section,  
4 the refund claim is for use tax remitted by the purchaser, or an  
5 additional refund claim is filed by a person legally obligated to  
6 remit the tax due to any of the following:

7 (1) Receipt of additional information or an exemption  
8 certificate from the purchaser of the item at issue;

9 (2) A decision of a court of competent jurisdiction or the  
10 administrative hearing commission; or

11 (3) Changes in regulations or policy by the department of  
12 revenue.

13 9. Notwithstanding any provision of law to the contrary,  
14 the director of revenue shall respond to a request for a binding  
15 letter ruling filed in accordance with section 536.021 within  
16 sixty days of receipt of such request. If the director of  
17 revenue fails to respond to such letter ruling request within  
18 sixty days of receipt by the director, the director of revenue  
19 shall be barred from pursuing collection of any assessment of  
20 sales or use tax with respect to the issue which is the subject  
21 of the letter ruling request. For purposes of this subsection,  
22 the term "letter ruling" means a written interpretation of law by  
23 the director to a specific set of facts provided by a specific  
24 taxpayer or his or her agent.

25 10. If any tax was paid more than once, was incorrectly  
26 collected, or was incorrectly computed, such sum shall be  
27 credited on any taxes then due from the person legally obligated  
28 to remit the tax pursuant to sections 144.010 to 144.510 against



1 any deficiency or tax due discovered through an audit of the  
2 person by the department of revenue through adjustment during the  
3 same tax filing period for which the audit applied.

4 11. A cause of action against the seller by a purchaser for  
5 a tax erroneously or illegally collected under this chapter does  
6 not accrue until a purchaser has provided written notice to a  
7 seller and the seller has had sixty days to respond. Such notice  
8 to the seller must contain the information necessary to determine  
9 the validity of the request. A seller shall be presumed to have  
10 a reasonable business practice if in the collection of such tax,  
11 the seller uses a provider or a system certified by the director  
12 and has remitted to the state all tax collected less any  
13 deductions, credits, or allowances.

14 144.210. 1. The burden of proving that a sale of tangible  
15 personal property, services, substances or things was not a sale  
16 at retail shall be upon the person who made the sale, except that  
17 with respect to sales, services, or transactions provided for in  
18 section 144.070. [The seller shall obtain and maintain exemption  
19 certificates signed by the purchaser or his agent as evidence for  
20 any exempt sales claimed; provided, however, that before any  
21 administrative tribunal of this state, a seller may prove that  
22 sale is exempt from tax under this chapter in accordance with  
23 proof admissible under the applicable rules of evidence; except  
24 that when a purchaser has purchased tangible personal property or  
25 services sales tax free under a claim of exemption which is found  
26 to be improper, the director of revenue may collect the proper  
27 amount of tax, interest, additions to tax and penalty from the  
28 purchaser directly. Any tax, interest, additions to tax or

1 penalty collected by the director from the purchaser shall be  
2 credited against the amount otherwise due from the seller on the  
3 purchases or sales where the exemption was claimed.]

4 2. If the director of revenue is not satisfied with the  
5 return and payment of the tax made by any person, he is hereby  
6 authorized and empowered to make an additional assessment of tax  
7 due from such person, based upon the facts contained in the  
8 return or upon any information within his possession or that  
9 shall come into his possession.

10 3. The director of revenue shall give to the person written  
11 notice of such additional or revised assessment by certified or  
12 registered mail to the person at his or its last known address.

13 144.285. 1. [In order to permit sellers required to  
14 collect and report the sales tax to collect the amount required  
15 to be reported and remitted, but not to change the requirements  
16 of reporting or remitting tax or to serve as a levy of the tax,  
17 and in order to avoid fractions of pennies, the director of  
18 revenue shall establish brackets, showing the amounts of tax to  
19 be collected on sales of specified amounts, which shall be  
20 applicable to all taxable transactions] When the seller is  
21 computing the amount of tax owed by the purchaser and remitted to  
22 the state:

23 (1) Tax computation shall be carried to the third decimal  
24 place; and

25 (2) The tax shall be rounded to a whole cent using a method  
26 that rounds up to the next cent whenever the third decimal place  
27 is greater than four.

28 2. [In all instances where statements covering taxable

1 purchases are rendered to the taxpayer on a monthly or other  
2 periodic basis, the amount of tax shall be determined by applying  
3 the applicable tax rate to the taxable purchases represented on  
4 the statement, rounded to the nearest whole cent, or by  
5 application of the brackets established by the director of  
6 revenue, at the option of the retail vendor] Sellers may elect to  
7 compute the tax due on a transaction on an item or an invoice  
8 basis. The provision of this subsection may be applied to the  
9 aggregated state and local taxes.

10 3. No vendor or seller shall knowingly charge or receive  
11 from a purchaser as a sales tax any sum in excess of the sums  
12 provided for in this section.

13 4. [A vendor may, at his option, determine the amount  
14 charged to and received from each purchaser by use of a formula  
15 which applies the applicable tax rate to each taxable purchase,  
16 rounded to the nearest whole cent. The formula shall be  
17 uniformly and consistently applied to all purchases similarly  
18 situated.

19 5.] Amounts which a vendor charges to and receives from the  
20 purchaser in accordance with this section shall not be includable  
21 in his gross receipts if the amounts are separately charged or  
22 stated.

23 [6.] 5. If sales tax for one or more local political  
24 subdivisions is owed by a taxpayer pursuant to chapter 66, 67,  
25 92, or 94 and that taxpayer remits less than all sales tax due  
26 for a filing period specified in section 144.080, the director of  
27 revenue shall deposit the tax remitted proportionately to each  
28 taxing jurisdiction in accordance with the percentage that each

1 such jurisdiction's share of the tax due for the filing period  
2 bears to the total tax due from such taxpayer for such period.  
3 The unpaid balance due along with penalties and interest shall be  
4 similarly prorated among the state and all local jurisdictions  
5 for which tax was due during the filing period for which an  
6 underpayment occurs. The provisions of this subsection shall  
7 apply to all returns or remittances relating to sales made on or  
8 after January 1, 1984.

9 144.526. 1. This section shall be known and may be cited  
10 as the "Show Me Green Sales Tax Holiday".

11 2. For purposes of this section, the following terms mean:

12 (1) "Appliance", clothes washers and dryers, water heaters,  
13 trash compactors, dishwashers, conventional ovens, ranges,  
14 stoves, air conditioners, furnaces, refrigerators and freezers;  
15 and

16 (2) "Energy star certified", any appliance approved by both  
17 the United States Environmental Protection Agency and the United  
18 States Department of Energy as eligible to display the energy  
19 star label, as amended from time to time.

20 3. In each year beginning on or after January 1, 2009,  
21 there is hereby specifically exempted from state sales tax law  
22 and all local sales and use taxes all retail sales of any energy  
23 star certified new appliance, up to one thousand five hundred  
24 dollars per appliance[, ] during a seven-day period beginning at  
25 12:01 a.m. on April nineteenth and ending at midnight on April  
26 twenty-fifth. Where a purchaser and seller are located in two  
27 different time zones, the time zone of the seller's location  
28 shall determine the authorized exemption period.

1           4. [A political subdivision may allow the sales tax holiday  
2 under this section to apply to its local sales taxes by enacting  
3 an ordinance to that effect. Any such political subdivision  
4 shall notify the department of revenue not less than forty-five  
5 calendar days prior to the beginning date of the sales tax  
6 holiday occurring in that year of any such ordinance or order.

7           5. This section may not apply to any retailer when less  
8 than two percent of the retailer's merchandise offered for sale  
9 qualifies for the sales tax holiday. The retailer shall offer a  
10 sales tax refund in lieu of the sales tax holiday.] A sale of  
11 property which is eligible for an exemption under subsection 1 of  
12 this section but is purchased under a layaway sale shall only  
13 qualify for an exemption if:

14           (1) Final payment on a layaway order is made by, and the  
15 property is given to, the purchaser during the exemption period;  
16 or

17           (2) The purchaser selects the property and the seller  
18 accepts the order for the property during the exemption period,  
19 for immediate delivery upon full payment, even if delivery is  
20 made after the exemption period.

21           5. (1) For any discount offered by a seller that is a  
22 reduction of the sales price of the product, the discounted sales  
23 price shall determine whether the sales price falls below the  
24 price threshold provided in subsection 1 of this section. A  
25 coupon that reduces the sales price shall be treated as a  
26 discount only if the seller is not reimbursed for the coupon  
27 amount by a third party.

28           (2) If a discount applies to the total amount paid by a

1 purchaser rather than to the sales price of a particular product  
2 and the purchaser has purchased both exempt property and taxable  
3 property, the seller shall allocate the discount based on the  
4 total sales prices of the taxable property compared to the total  
5 sales prices of all property sold in the same transaction.

6 6. Items that are normally sold as a single unit shall  
7 continue to be sold in that manner and shall not be priced  
8 separately and sold as individual items.

9 7. Items that are purchased during an exemption period but  
10 that are not delivered to the purchaser until after the exemption  
11 period due to the item not being in stock shall qualify for an  
12 exemption. The provisions of this subsection shall not apply to  
13 an item that was delivered during an exemption period but was  
14 purchased prior to or after the exemption period.

15 8. (1) If a purchaser purchases an item of eligible  
16 property during an exemption period, but later exchanges the item  
17 for a similar eligible item after the exemption period, no  
18 additional tax shall be due on the new item.

19 (2) If a purchaser purchases an item of eligible property  
20 during an exemption period, but later returns the item after the  
21 exemption period and receives credit on the purchase of a  
22 different nonexempt item, the appropriate sales tax shall be due  
23 on the sale of the newly purchased item.

24 (3) If a purchaser purchases an item of eligible property  
25 before an exemption period, but during the exemption period  
26 returns the item and receives credit on the purchase of a  
27 different item of eligible property, no sales tax shall be due on  
28 the sale of the new item if the new item is purchased during the

1 exemption period.

2 (4) For a sixty day period immediately following the end of  
3 the exemption period, if a purchaser returns an exempt item no  
4 credit for or refund of sales tax shall be given unless the  
5 purchaser provides a receipt or invoice that shows tax was paid,  
6 or the seller has sufficient documentation to show that tax was  
7 paid on the item being returned.

8 144.600. 1. This law may be cited as the "Compensating Use  
9 Tax Law".

10 2. All provisions in sections 144.010 to 144.527 with  
11 respect to sales into this state by out-of-state sellers apply to  
12 the Compensating Use Tax Law.

13 144.612. 1. A vendor is required to register with the  
14 director under this chapter for the collection and remittance of  
15 use tax if the vendor is engaged in business activities within  
16 this state. For purposes of this chapter, "engages in business  
17 activities within this state" includes:

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

22 (2) Soliciting sales or taking orders by sales agents or  
23 traveling representatives;

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

28 (a) Sells a similar line of products as the vendor and does

1 so under the same or a similar business name;

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

6 (c) Delivers, installs, assembles, or performs maintenance  
7 services for the vendor's customers within the state;

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

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

16 (4) The presumption in subdivision (3) of this section may  
17 be rebutted by demonstrating that the person's activities in the  
18 state are not significantly associated with the vendor's ability  
19 to establish or maintain a market in this state for the vendor's  
20 sales;

21 (5) Notwithstanding subdivision (3) of this section, a  
22 vendor shall be presumed to engage in business activities within  
23 this state if the vendor enters into an agreement with one or  
24 more residents of this state under which the resident, for a  
25 commission or other consideration, directly or indirectly refers  
26 potential customers, whether by a link on an internet website, an  
27 in-person oral presentation, telemarketing, or otherwise, to the  
28 vendor, if the cumulative gross receipts from sales by the vendor



1 to customers in the state who are referred to the vendor by all  
2 residents with this type of an agreement with the vendor is in  
3 excess of ten thousand dollars during the preceding twelve  
4 months;

5 (6) The presumption in subdivision (5) of this section may  
6 be rebutted by submitting proof that the residents with whom the  
7 vendor has an agreement did not engage in any activity within the  
8 state that was significantly associated with the vendor's ability  
9 to establish or maintain the vendor's market in the state during  
10 the preceding twelve months. Such proof may consist of sworn  
11 written statements from all of the residents with whom the vendor  
12 has an agreement stating that they did not engage in any  
13 solicitation in the state on behalf of the vendor during the  
14 preceding year provided that such statements were provided and  
15 obtained in good faith;

16 (7) (a) Notwithstanding any other provision of law to the  
17 contrary, any vendor selling tangible personal property or  
18 services designated and defined as taxable under the provisions  
19 of this chapter for delivery into Missouri, and who does not have  
20 a physical presence in the state, is subject to the provisions of  
21 sections 144.600 to 144.753, shall remit the use tax, and shall  
22 follow all applicable procedures and requirements of law as if  
23 the seller had a physical presence in the state, provided the  
24 seller's gross revenue from delivery of tangible personal  
25 property into this state in the previous or current calendar year  
26 exceeds one hundred thousand dollars. No obligation to collect  
27 and remit use tax required under this subsection shall be applied  
28 prior to January 1, 2021;

1       (b) The use tax revenue collected from remittances made  
2 under the provisions of paragraph (a) of this subdivision shall  
3 be deposited as follows:

4       a. For the 2021 and 2022 calendar years, the baseline use  
5 tax collections shall be deposited in the general revenue fund as  
6 provided under section 144.700, and all revenues collected above  
7 the baseline use tax collections shall be deposited in the state  
8 disaster and emergency fund and the local disaster and emergency  
9 fund created under section 33.568;

10       b. For all years beginning January 1, 2023, all use tax  
11 revenue collected from remittances made under the provisions of  
12 paragraph (a) of this subdivision shall be deposited in the  
13 general revenue fund as provided under section 144.700.

14       2. For the purposes of this section, "baseline use tax  
15 collections" means:

16       (1) For the 2021 calendar year, the sum of:

17       (a) The use tax collections made during the fiscal year  
18 beginning on or after July 1, 2019, and ending on or before June  
19 30, 2020; and

20       (b) The product of:

21       a. The use tax collections made during the fiscal year  
22 beginning on or after July 1, 2019, and ending on or before June  
23 30, 2020; and

24       b. Four percent;

25       (2) For the 2022 calendar year, the sum of:

26       (a) The amount determined under subdivision (1) of this  
27 subsection; and

28       (b) The product of:

1           a. The amount determined under subdivision (1) of this  
2 subsection; and

3           b. Four percent;

4           144.655. 1. Every vendor, on or before the last day of the  
5 month following each calendar quarterly period of three months,  
6 shall file with the director of revenue a return of all taxes  
7 collected for the preceding quarter in the form prescribed by the  
8 director of revenue, showing the total sales price of the  
9 tangible personal property sold by the vendor, the storage, use  
10 or consumption of which is subject to the tax levied by this law,  
11 and other information the director of revenue deems necessary.  
12 The return shall be accompanied by a remittance of the amount of  
13 the tax required to be collected by the vendor during the period  
14 covered by the return. Returns shall be signed by the vendor or  
15 the vendor's authorized agent. The director of revenue may  
16 promulgate rules or regulations changing the filing and payment  
17 requirements of vendors, but shall not require any vendor to file  
18 and pay more frequently than required in this section.

19           2. Where the aggregate amount of tax required to be  
20 collected by a vendor is in excess of two hundred and fifty  
21 dollars for either the first or second month of a calendar  
22 quarter, the vendor shall pay such aggregate amount for such  
23 months to the director of revenue by the twentieth day of the  
24 succeeding month. The amount so paid shall be allowed as a  
25 credit against the liability shown on the vendor's quarterly  
26 return required by this section.

27           3. Where the aggregate amount of tax required to be  
28 collected by a vendor is less than forty-five dollars in a

1 calendar quarter, the director of revenue shall by regulation  
2 permit the vendor to file a return for a calendar year. The  
3 return shall be filed and the taxes paid on or before January  
4 thirty-first of the succeeding year.

5 4. Except as provided in subsection 5 of this section,  
6 every person purchasing tangible personal property, the storage,  
7 use or consumption of which is subject to the tax levied by  
8 sections 144.600 to 144.748, who has not paid the tax due to a  
9 vendor registered in accordance with the provisions of section  
10 144.650, shall file with the director of revenue a return for the  
11 preceding reporting period in the form and manner that the  
12 director of revenue prescribes, showing the total sales price of  
13 the tangible property purchased during the preceding reporting  
14 period and any other information that the director of revenue  
15 deems necessary for the proper administration of sections 144.600  
16 to 144.748. The return shall be accompanied by a remittance of  
17 the amount of the tax required by sections 144.600 to 144.748 to  
18 be paid by the person. Returns shall be signed by the person  
19 liable for the tax or such person's duly authorized agent. For  
20 purposes of this subsection, the reporting period shall be  
21 determined by the director of revenue and may be a calendar  
22 quarter or a calendar year. Annual returns and payments required  
23 by the director pursuant to this subsection shall be due on or  
24 before April fifteenth of the year for the preceding calendar  
25 year and quarterly returns and payments shall be due on or before  
26 the last day of the month following each calendar period of three  
27 months. Upon the taxpayer's request, the director may allow the  
28 filing of such returns and payments on a monthly basis. If a

1 taxpayer elects to file a monthly return and payment, such return  
2 and payment shall be due on or before the twentieth day of the  
3 succeeding month.

4 5. Any person purchasing tangible personal property subject  
5 to the taxes imposed by sections 144.600 to 144.748 shall not be  
6 required to file a use tax return with the director of revenue if  
7 such purchases on which such taxes were not paid do not exceed in  
8 the aggregate two thousand dollars in any calendar year.

9 6. Nothing in subsection 5 of this section shall relieve a  
10 vendor of liability to collect the tax imposed pursuant to  
11 sections 144.600 to 144.748 on the total gross receipts of all  
12 sales of tangible personal property used, stored or consumed in  
13 this state and to remit all taxes collected to the director of  
14 revenue in accordance with the provisions of this section nor  
15 shall it relieve a purchaser from paying such taxes to a vendor  
16 registered in accordance with the provisions of section 144.650.

17 7. Any out-of-state seller which is not legally required to  
18 register for use tax in this state but chooses to collect and  
19 remit use tax under sections 144.600 to 144.761 shall file a  
20 return for the calendar year. The return shall be filed and the  
21 taxes paid on or before January thirty-first of the succeeding  
22 year.

23 144.710. [From every remittance made by a vendor as  
24 required by sections 144.600 to 144.745 to the director of  
25 revenue on or before the date when the remittance becomes due,  
26 the vendor may deduct and retain an amount equal to two percent  
27 thereof.] The provisions of section 144.140 relating to the  
28 allowance for timely remittance of payment shall be applicable to

1 the tax levied under sections 144.600 to 144.745.

2 144.752. 1. For the purposes of this section, the  
3 following terms shall mean:

4 (1) "Marketplace facilitator", a person that:

5 (a) Facilitates a retail sale by a marketplace seller by  
6 listing or advertising for sale by the marketplace seller in any  
7 forum, tangible personal property or services that are subject to  
8 tax under this chapter; and

9 (b) Either directly or indirectly through agreements or  
10 arrangements with third parties collecting payment from the  
11 purchaser and transmitting such payment to the marketplace seller  
12 regardless of whether the marketplace facilitator receives  
13 compensation or other consideration in exchange for its services.

14  
15 A marketplace facilitator is a seller and shall comply with the  
16 provisions of this chapter. A marketplace facilitator does not  
17 include a person who provides internet advertising services, or  
18 product listing, and does not collect payment from the purchaser  
19 and transmit payment to the marketplace seller, and does not  
20 include a person with respect to the provision of travel agency  
21 services or the operation of a marketplace or that portion of a  
22 marketplace that enables consumers to receive travel agency  
23 services. For the purposes of this subdivision, "travel agency  
24 services" means facilitating, for a commission, fee, or other  
25 consideration, vacation or travel packages, rental car or other  
26 travel reservations, tickets for domestic or foreign travel by  
27 air, rail, ship, bus, or other medium of transportation, or hotel  
28 or other lodging accommodations;

1       (2) "Marketplace seller", a seller that makes sales through  
2 any electronic marketplace operated by a marketplace facilitator;

3       (3) "Person", any individual, firm, copartnership, joint  
4 venture, association, corporation, municipal or private, whether  
5 organized for profit or not, state, county, political  
6 subdivision, state department, commission, board, bureau or  
7 agency, except the department of transportation, estate, trust,  
8 business trust, receiver or trustee appointed by the state or  
9 federal court, syndicate, or any other group or combination  
10 acting as a unit;

11       (4) "Purchaser", any person who is the recipient for a  
12 valuable consideration of any sale of tangible personal property  
13 acquired for use, storage, or consumption in this state;

14       (5) "Retail sale", the same meaning as defined under  
15 sections 144.010 and 144.011, excluding motor vehicles, trailers,  
16 motorcycles, mopeds, motortricycles, boats, and outboard motors  
17 required to be titled under the laws of the state and subject to  
18 tax under subdivision (9) of subsection 1 of section 144.020;

19       (6) "Seller", a person selling or furnishing tangible  
20 personal property or rendering services on the receipts from  
21 which a tax is imposed under section 144.020.

22       2. (1) By no later than January 1, 2021, marketplace  
23 facilitators that reach the threshold provided under subdivision  
24 (7) of section 144.612 shall register with the department to  
25 collect and remit sales and use tax, as applicable, on sales made  
26 through the marketplace facilitator's marketplace by or on behalf  
27 of a marketplace seller that are purchased in or delivered into  
28 the state, whether by the marketplace facilitator or another

1 person, and regardless of whether the marketplace seller for whom  
2 sales are facilitated possesses a retail sales license or would  
3 have been required to collect sales or use tax had the sale not  
4 been facilitated by the marketplace facilitator. Such retail  
5 sales shall include those made directly by the marketplace  
6 facilitator and shall also include those retail sales made by  
7 marketplace sellers through the marketplace facilitator's  
8 marketplace. The collection and reporting requirements of this  
9 subsection shall not apply to retail sales other than those made  
10 through a marketplace facilitator's marketplace. Nothing in this  
11 section shall be construed to limit or prohibit the ability of a  
12 marketplace facilitator and a marketplace seller to enter into  
13 agreements regarding the fulfillment of the requirements of this  
14 chapter.

15 (2) All taxable sales made through a marketplace  
16 facilitator's marketplace by or on behalf of a marketplace seller  
17 shall be deemed to be consummated at the location in this state  
18 to which the item is shipped or delivered, or at which possession  
19 is taken by the purchaser.

20 3. Marketplace facilitators that are required to collect  
21 sales and use tax under this section shall report and remit the  
22 tax separately from any sales and use tax collected by the  
23 marketplace facilitator, or by affiliates of the marketplace  
24 facilitator, which the marketplace facilitator would have been  
25 required to collect and remit under the provisions of this  
26 chapter prior to January 1, 2021. Such tax shall be reported and  
27 remitted on a marketplace facilitator return to be developed and  
28 published by the department. Marketplace facilitators shall



1 maintain records of all sales delivered to a location in the  
2 state, including copies of invoices showing the purchaser,  
3 address, purchase amount, and sales and use tax collected. Such  
4 records shall be made available for review and inspection upon  
5 request by the department.

6 4. Marketplace facilitators who properly collect and remit  
7 to the department in a timely manner sales and use tax on sales  
8 in accordance with the provisions of this section by or on behalf  
9 of marketplace sellers shall be eligible for any discount  
10 provided under this chapter.

11 5. A marketplace facilitator shall provide the purchaser  
12 with a statement or invoice showing that the sales or use tax was  
13 collected and shall be remitted on the purchaser's behalf.

14 6. Any taxpayer who remits sales or use tax under this  
15 section shall be entitled to refunds or credits to the same  
16 extent and in the same manner provided for in section 144.190 for  
17 taxes collected and remitted under this section. Nothing in this  
18 section shall relieve a purchaser of the obligation to remit  
19 sales or use tax for any retail sale taxable under this chapter  
20 for which a marketplace facilitator or marketplace seller does  
21 not collect and remit the sales or use tax.

22 7. Except as provided under subsections 8 to 10 of this  
23 section, marketplace facilitators shall be subject to the penalty  
24 provisions, procedures, and reporting requirements provided under  
25 the provisions of this chapter.

26 8. No class action shall be brought against a marketplace  
27 facilitator in any court in this state on behalf of purchasers  
28 arising from or in any way related to an overpayment of sales or

1 use tax collected on retail sales facilitated by a marketplace  
2 facilitator, regardless of whether that claim is characterized as  
3 a tax refund claim. Nothing in this subsection shall affect a  
4 purchaser's right to seek a refund as provided under section  
5 144.190.

6 9. An audit performed by the department under this chapter  
7 shall only be performed on a marketplace facilitator for sales  
8 made by marketplace sellers but facilitated by the marketplace  
9 facilitator. The department shall not audit a marketplace seller  
10 for sales facilitated by a marketplace facilitator except to the  
11 extent a marketplace facilitator seeks relief from liability  
12 under the provisions of paragraph (a) of subdivision (1) of  
13 subsection 10 of this section.

14 10. (1) A marketplace facilitator shall be relieved from  
15 liability under this section for the failure to collect and remit  
16 the correct amount of sales or use tax on retail sales  
17 facilitated for marketplace sellers under the following  
18 circumstances:

19 (a) To the extent that the marketplace facilitator  
20 demonstrates to the satisfaction of the department that the error  
21 was due to insufficient or incorrect information given to the  
22 marketplace facilitator by the marketplace seller; provided,  
23 however, that a marketplace facilitator shall not be relieved of  
24 liability under this paragraph if the marketplace facilitator and  
25 the marketplace seller are affiliated;

26 (b) To the extent that the marketplace facilitator  
27 demonstrates to the satisfaction of the department that:

28 a. The marketplace facilitator is not the seller and that

1 the marketplace facilitator and marketplace seller are not  
2 affiliated;

3 b. The retail sale was facilitated for a marketplace seller  
4 through a marketplace operated by the marketplace facilitator;  
5 and

6 c. The failure to collect and remit the correct amount of  
7 sales or use tax was due to an error other than an error in  
8 sourcing the sale under the provisions of this chapter.

9 (2) The relief from liability provided under subdivision  
10 (1) of this subsection shall not exceed the following percentage  
11 of the total sales and use tax due on retail sales facilitated by  
12 a marketplace facilitator for marketplace sellers and sourced to  
13 this state during a calendar year, which such retail sales shall  
14 not include retail sales made directly by the marketplace  
15 facilitator or affiliates of the marketplace facilitator:

16 (a) For retail sales made or facilitated during the 2021  
17 calendar year, four percent;

18 (b) For retail sales made or facilitated during the 2022  
19 calendar year, two percent;

20 (c) For retail sales made or facilitated during the 2023  
21 calendar year, one percent; and

22 (d) For retail sales made or facilitated for all years  
23 beginning January 1, 2024, zero percent.

24 (3) To the extent that a marketplace facilitator is  
25 relieved of liability for the collection of sales and use tax  
26 under this subsection, the marketplace seller for whom the  
27 marketplace facilitator has made or facilitated the sale shall  
28 also be relieved of liability under this subsection.

1       (4) The department shall determine the manner in which a  
2 marketplace facilitator or marketplace seller shall apply for and  
3 claim the relief from liability provided for under this  
4 subsection.

5       11. The department may grant a waiver from the requirements  
6 of this section if a marketplace facilitator demonstrates to the  
7 satisfaction of the department that all of its marketplace  
8 sellers are already registered under the provisions of this  
9 chapter to collect and remit sales and use tax. If such waiver  
10 is granted, the sales or use tax due shall be collected and  
11 remitted by the marketplace seller. The department shall develop  
12 guidelines by rule that establish the criteria for obtaining a  
13 waiver, the process and procedure for a marketplace facilitator  
14 or marketplace seller to apply for a waiver, and the process for  
15 providing notice to an affected marketplace facilitator and  
16 marketplace seller of a waiver obtained under the provisions of  
17 this subsection. Any rule or portion of a rule, as that term is  
18 defined in section 536.010 that is created under the authority  
19 delegated in this section shall become effective only if it  
20 complies with and is subject to all of the provisions of chapter  
21 536, and, if applicable, section 536.028. This section and  
22 chapter 536 are nonseverable and if any of the powers vested with  
23 the general assembly pursuant to chapter 536, to review, to delay  
24 the effective date, or to disapprove and annul a rule are  
25 subsequently held unconstitutional, then the grant of rulemaking  
26 authority and any rule proposed or adopted after August 28, 2019,  
27 shall be invalid and void.

28       12. For the purposes of this section, a marketplace

1 facilitator shall not include a third party financial institution  
2 appointed by a merchant or a marketplace facilitator to handle  
3 various forms of payment transactions, such as processing credit  
4 cards and debit cards, and whose sole activity with respect to  
5 marketplace sales is to facilitate the payment transactions  
6 between two parties.

7 144.757. 1. Any county or municipality, except  
8 municipalities within a county having a charter form of  
9 government with a population in excess of nine hundred thousand,  
10 may, by a majority vote of its governing body, impose a local use  
11 tax if a local sales tax is imposed as defined in section 32.085  
12 at a rate equal to the rate of the local sales tax in effect in  
13 such county or municipality; provided, however, that no ordinance  
14 or order enacted pursuant to sections 144.757 to 144.761 shall be  
15 effective unless the governing body of the county or municipality  
16 submits to the voters thereof at a municipal, county or state  
17 general, primary or special election a proposal to authorize the  
18 governing body of the county or municipality to impose a local  
19 use tax pursuant to sections 144.757 to 144.761. Municipalities  
20 within a county having a charter form of government with a  
21 population in excess of nine hundred thousand may, upon voter  
22 approval received pursuant to paragraph (b) of subdivision (2) of  
23 subsection 2 of this section, impose a local use tax at the same  
24 rate as the local municipal sales tax with the revenues from all  
25 such municipal use taxes to be distributed pursuant to subsection  
26 4 of section 94.890. The municipality shall within thirty days  
27 of the approval of the use tax imposed pursuant to paragraph (b)  
28 of subdivision (2) of subsection 2 of this section select one of

1 the distribution options permitted in subsection 4 of section  
2 94.890 for distribution of all municipal use taxes.

3 2. (1) The ballot of submission, except for counties and  
4 municipalities described in subdivisions (2) and (3) of this  
5 subsection, shall contain substantially the following language:

6 Shall the \_\_\_\_\_ (county or municipality's name) impose a  
7 local use tax at the same rate as the total local sales tax rate,  
8 [currently \_\_\_\_\_ (insert percent),] provided that if the local  
9 sales tax rate is reduced or raised by voter approval, the local  
10 use tax rate shall also be reduced or raised by the same action?  
11 [A use tax return shall not be required to be filed by persons  
12 whose purchases from out-of-state vendors do not in total exceed  
13 two thousand dollars in any calendar year.] Approval of this  
14 question will eliminate the disparity in tax rates collected by  
15 local and out-of-state sellers by imposing the same rate on all  
16 sellers.

17  YES  NO

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

21 (2) (a) The ballot of submission in a county having a  
22 charter form of government with a population in excess of nine  
23 hundred thousand shall contain substantially the following  
24 language:

25 For the purposes of enhancing county and municipal public  
26 safety, parks, and job creation and enhancing local government  
27 services, shall the county be authorized to collect a local use  
28 tax equal to the total of the existing county sales tax rate [of

1 (insert tax rate)], provided that if the county sales tax is  
2 repealed, reduced or raised by voter approval, the local use tax  
3 rate shall also be repealed, reduced or raised by the same voter  
4 action? Fifty percent of the revenue shall be used by the county  
5 throughout the county for improving and enhancing public safety,  
6 park improvements, and job creation, and fifty percent shall be  
7 used for enhancing local government services. The county shall be  
8 required to make available to the public an audited comprehensive  
9 financial report detailing the management and use of the  
10 countywide portion of the funds each year.

11 A use tax is the equivalent of a sales tax on purchases from  
12 out-of-state sellers by in-state buyers and on certain taxable  
13 business transactions. [A use tax return shall not be required to  
14 be filed by persons whose purchases from out-of-state vendors do  
15 not in total exceed two thousand dollars in any calendar year.]

16 Approval of this question will eliminate the disparity in tax  
17 rates collected by local and out-of-state sellers by imposing the  
18 same rate on all sellers.

19  YES  NO

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

23 (b) The ballot of submission in a municipality within a  
24 county having a charter form of government with a population in  
25 excess of nine hundred thousand shall contain substantially the  
26 following language:

27 Shall the municipality be authorized to impose a local use  
28 tax at the same rate as the local sales tax by a vote of the

1 governing body, provided that if any local sales tax is repealed,  
2 reduced or raised by voter approval, the respective local use tax  
3 shall also be repealed, reduced or raised by the same action? [A  
4 use tax return shall not be required to be filed by persons whose  
5 purchases from out-of-state vendors do not in total exceed two  
6 thousand dollars in any calendar year.] Approval of this question  
7 will eliminate the disparity in tax rates collected by local and  
8 out-of-state sellers by imposing the same rate on all sellers.

9  YES

NO

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

13 (3) The ballot of submission in any city not within a  
14 county shall contain substantially the following language:

15 Shall the \_\_\_\_\_ (city name) impose a local use tax at the  
16 same rate as the local sales tax, [currently at a rate of \_\_\_\_\_  
17 (insert percent)] which includes the capital improvements sales  
18 tax and the transportation tax, provided that if any local sales  
19 tax is repealed, reduced or raised by voter approval, the  
20 respective local use tax shall also be repealed, reduced or  
21 raised by the same action? [A use tax return shall not be  
22 required to be filed by persons whose purchases from out-of-state  
23 vendors do not in total exceed two thousand dollars in any  
24 calendar year.] Approval of this question will eliminate the  
25 disparity in tax rates collected by local and out-of-state  
26 sellers by imposing the same rate on all sellers.

27  YES

NO

28 If you are in favor of the question, place an "X" in the box



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

3 (4) If any of such ballots are submitted on August 6, 1996,  
4 and if a majority of the votes cast on the proposal by the  
5 qualified voters voting thereon are in favor of the proposal,  
6 then the ordinance or order and any amendments thereto shall be  
7 in effect October 1, 1996, provided the director of revenue  
8 receives notice of adoption of the local use tax on or before  
9 August 16, 1996. If any of such ballots are submitted after  
10 December 31, 1996, and if a majority of the votes cast on the  
11 proposal by the qualified voters voting thereon are in favor of  
12 the proposal, then the ordinance or order and any amendments  
13 thereto shall be in effect on the first day of the calendar  
14 quarter which begins at least forty-five days after the director  
15 of revenue receives notice of adoption of the local use tax. If  
16 a majority of the votes cast by the qualified voters voting are  
17 opposed to the proposal, then the governing body of the county or  
18 municipality shall have no power to impose the local use tax as  
19 herein authorized unless and until the governing body of the  
20 county or municipality shall again have submitted another  
21 proposal to authorize the governing body of the county or  
22 municipality to impose the local use tax and such proposal is  
23 approved by a majority of the qualified voters voting thereon.

24 3. The local use tax may be imposed at the same rate as the  
25 local sales tax then currently in effect in the county or  
26 municipality upon all transactions which are subject to the taxes  
27 imposed pursuant to sections 144.600 to 144.745 within the county  
28 or municipality adopting such tax; provided, however, that if any

1 local sales tax is repealed or the rate thereof is reduced or  
2 raised by voter approval, the local use tax rate shall also be  
3 deemed to be repealed, reduced or raised by the same action  
4 repealing, reducing or raising the local sales tax.

5 4. For purposes of sections 144.757 to 144.761, the use tax  
6 may be referred to or described as the equivalent of a sales tax  
7 on purchases made from out-of-state sellers by in-state buyers  
8 and on certain intrabusiness transactions. Such a description  
9 shall not change the classification, form or subject of the use  
10 tax or the manner in which it is collected.

11 144.759. 1. All local use taxes collected by the director  
12 of revenue pursuant to sections 144.757 to 144.761 on behalf of  
13 any county or municipality, less one percent for cost of  
14 collection, which shall be deposited in the state's general  
15 revenue fund after payment of premiums for surety bonds as  
16 provided in section 32.087 shall be deposited with the state  
17 treasurer in a local use tax trust fund, which fund shall be  
18 separate and apart from the local sales tax trust funds. The  
19 moneys in such local use tax trust fund shall not be deemed to be  
20 state funds and shall not be commingled with any funds of the  
21 state. The director of revenue shall keep accurate records of  
22 the amount of money in the trust fund which was collected in each  
23 county or municipality imposing a local use tax, and the records  
24 shall be open to the inspection of officers of the county or  
25 municipality and to the public. No later than the tenth day of  
26 each month, the director of revenue shall distribute all moneys  
27 deposited in the trust fund during the preceding month, except as  
28 provided in subsection 2 of this section, to the county or

1 municipality treasurer, or such other officer as may be  
2 designated by the county or municipality ordinance or order, of  
3 each county or municipality imposing the tax authorized by  
4 sections 144.757 to 144.761, the sum due the county or  
5 municipality as certified by the director of revenue.

6 2. The director of revenue shall distribute all moneys  
7 which would be due any county having a charter form of government  
8 and having a population of nine hundred thousand or more to the  
9 county treasurer or such other officer as may be designated by  
10 county ordinance, who shall distribute such moneys as follows:  
11 the portion of the use tax imposed by the county which equals  
12 one-half the rate of sales tax in effect for such county shall be  
13 disbursed to the county treasurer for expenditure throughout the  
14 county for public safety, parks, and job creation, subject to any  
15 qualifications and regulations adopted by ordinance of the  
16 county. Such ordinance shall require an audited comprehensive  
17 financial report detailing the management and use of such funds  
18 each year. Such ordinance shall also require that the county and  
19 the municipal league of the county jointly prepare a strategy to  
20 guide expenditures of funds and conduct an annual review of the  
21 strategy. The treasurer or such other officer as may be  
22 designated by county ordinance shall distribute one-third of the  
23 balance to the county and to each city, town and village in group  
24 B according to section 66.620 as modified by this section, a  
25 portion of the two-thirds remainder of such balance equal to the  
26 percentage ratio that the population of each such city, town or  
27 village bears to the total population of all such group B cities,  
28 towns and villages. For the purposes of this subsection,

1 population shall be determined by the last federal decennial  
2 census or the latest census that determines the total population  
3 of the county and all political subdivisions therein. For the  
4 purposes of this subsection, each city, town or village in group  
5 A according to section 66.620 but whose per capita sales tax  
6 receipts during the preceding calendar year pursuant to sections  
7 66.600 to 66.630 were less than the per capita countywide average  
8 of all sales tax receipts during the preceding calendar year,  
9 shall be treated as a group B city, town or village until the per  
10 capita amount distributed to such city, town or village equals  
11 the difference between the per capita sales tax receipts during  
12 the preceding calendar year and the per capita countywide average  
13 of all sales tax receipts during the preceding calendar year.

14 3. The director of revenue may authorize the state  
15 treasurer to make refunds from the amounts in the trust fund and  
16 credited to any county or municipality for erroneous payments and  
17 overpayments made, and may redeem dishonored checks and drafts  
18 deposited to the credit of such counties or municipalities. If  
19 any county or municipality abolishes the tax, the county or  
20 municipality shall notify the director of revenue of the action  
21 [at least ninety days] prior to the effective date of the repeal,  
22 and the repeal shall be effective as provided in subsection 19 of  
23 section 32.087. The director of revenue may order retention in  
24 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  
26 refunds or overpayment of the tax and to redeem dishonored checks  
27 and drafts deposited to the credit of such accounts. After one  
28 year has elapsed after the effective date of abolition of the tax

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

8 4. Except as modified in sections 144.757 to 144.761, all  
9 provisions of sections 32.085 [and] to 32.087 applicable to the  
10 local sales tax, except for subsection 12 of section 32.087, and  
11 all provisions of sections 144.600 to 144.745 shall apply to the  
12 tax imposed pursuant to sections 144.757 to 144.761, and the  
13 director of revenue shall perform all functions incident to the  
14 administration, collection, enforcement, and operation of the  
15 tax.

16 144.761. 1. No county or municipality imposing a local use  
17 tax pursuant to sections 144.757 to 144.761 may repeal or amend  
18 such local use tax unless such repeal or amendment is submitted  
19 to and approved by the voters of the county or municipality in  
20 the manner provided in section 144.757; provided, however, that  
21 the repeal of the local sales tax within the county or  
22 municipality shall be deemed to repeal the local use tax imposed  
23 pursuant to sections 144.757 to 144.761.

24 2. Whenever the governing body of any county or  
25 municipality in which a local use tax has been imposed in the  
26 manner provided by sections 144.757 to 144.761 receives a  
27 petition, signed by fifteen percent of the registered voters of  
28 such county or municipality voting in the last gubernatorial

1 election, calling for an election to repeal such local use tax,  
2 the governing body shall submit to the voters of such county or  
3 municipality a proposal to repeal the county or municipality use  
4 tax imposed pursuant to sections 144.757 to 144.761. If a  
5 majority of the votes cast on the proposal by the registered  
6 voters voting thereon are in favor of the proposal to repeal the  
7 local use tax, then the ordinance or order imposing the local use  
8 tax, along with any amendments thereto, is repealed. If a  
9 majority of the votes cast by the registered voters voting  
10 thereon are opposed to the proposal to repeal the local use tax,  
11 then the ordinance or order imposing the local use tax, along  
12 with any amendments thereto, shall remain in effect. Subsection  
13 19 of section 32.087 shall apply to such repeal of the tax  
14 authorized under sections 144.757 to 144.761.

15 148.064. 1. Notwithstanding any law to the contrary, this  
16 section shall determine the ordering and limit reductions for  
17 certain taxes and tax credits which may be used as credits  
18 against various taxes paid or payable by banking institutions.  
19 Except as adjusted in subsections 2, 3 and 6 of this section,  
20 such credits shall be applied in the following order until used  
21 against:

22 (1) The tax on banks determined under subdivision (2) of  
23 subsection 2 of section 148.030;

24 (2) The tax on banks determined under subdivision (1) of  
25 subsection 2 of section 148.030;

26 (3) The state income tax in section 143.071.

27 2. The tax credits permitted against taxes payable pursuant  
28 to subdivision (2) of subsection 2 of section 148.030 shall be

1 utilized first and include taxes referenced in subdivisions (2)  
2 and (3) of subsection 1 of this section, which shall be  
3 determined without reduction for any tax credits identified in  
4 subsection 5 of this section which are used to reduce such taxes.  
5 Where a banking institution subject to this section joins in the  
6 filing of a consolidated state income tax return under chapter  
7 143, the credit allowed under this section for state income taxes  
8 payable under chapter 143 shall be determined based upon the  
9 consolidated state income tax liability of the group and  
10 allocated to a banking institution, without reduction for any tax  
11 credits identified in subsection 5 of this section which are used  
12 to reduce such consolidated taxes as provided in chapter 143.

13 3. The taxes referenced in subdivisions (2) and (3) of  
14 subsection 1 of this section may be reduced by the tax credits in  
15 subsection 5 of this section without regard to any adjustments in  
16 subsection 2 of this section.

17 4. To the extent that certain tax credits which the  
18 taxpayer is entitled to claim are transferable, such  
19 transferability may include transfers among such taxpayers who  
20 are members of a single consolidated income tax return, and this  
21 subsection shall not impact other tax credit transferability.

22 5. For the purpose of this section, the tax credits  
23 referred to in subsections 2 and 3 shall include tax credits  
24 available for economic development, low-income housing and  
25 neighborhood assistance which the taxpayer is entitled to claim  
26 for the year, including by way of example and not of limitation,  
27 tax credits pursuant to the following sections: section 32.115,  
28 section 100.286, and sections 135.110, 135.225, 135.352 and

1 135.403.

2 6. For tax returns filed on or after January 1, 2001,  
3 including returns based on income in the year 2000, and after, a  
4 banking institution shall be entitled to an annual tax credit  
5 equal to one-sixtieth of one percent of its outstanding shares  
6 and surplus employed in this state if the outstanding shares and  
7 surplus exceed one million dollars, determined in the same manner  
8 as in section 147.010. This tax credit shall be taken as a  
9 dollar-for-dollar credit against the bank tax provided for in  
10 subdivision (2) of subsection 2 of section 148.030; if such bank  
11 tax was already reduced to zero by other credits, then against  
12 the corporate income tax provided for in chapter 143. For all  
13 tax years beginning on or after January 1, 2020, no tax credit  
14 shall be authorized under this subsection.

15 7. In the event the corporation franchise tax in chapter  
16 147 is repealed by the general assembly, there shall also be a  
17 reduction in the taxation of banks as follows: in lieu of the  
18 loss of the corporation franchise tax credit reduction in  
19 subdivision (1) of subsection 2 of section 148.030, the bank  
20 shall receive a tax credit equal to one and one-half percent of  
21 net income as determined in this chapter. This subsection shall  
22 take effect at the same time the corporation franchise tax in  
23 chapter 147 is repealed.

24 8. An S corporation bank or bank holding company that  
25 otherwise qualifies to distribute tax credits to its shareholders  
26 shall pass through any tax credits referred to in subsection 5 of  
27 this section to its shareholders as otherwise provided for in  
28 subsection 10 of section 143.471 with no reductions or



1 limitations resulting from the transfer through such S  
2 corporation, and on the same terms originally made available to  
3 the original taxpayer, subject to any original dollar or  
4 percentage limitations on such credits, and when such S  
5 corporation is the original taxpayer, treating such S corporation  
6 as having not elected Subchapter S status.

7 9. Notwithstanding any law to the contrary, in the event  
8 the corporation franchise tax in chapter 147 is repealed by the  
9 general assembly, after such repeal all Missouri taxes of any  
10 nature and type imposed directly or used as a tax credit against  
11 the bank's taxes shall be passed through to the S corporation  
12 bank or bank holding company shareholder in the form otherwise  
13 permitted by law, except for the following:

14 (1) Credits for taxes on real estate and tangible personal  
15 property owned by the bank and held for lease or rental to  
16 others;

17 (2) Contributions paid pursuant to the unemployment  
18 compensation tax law of Missouri; or

19 (3) State and local sales and use taxes collected by the  
20 bank on its sales of tangible personal property and the services  
21 enumerated in chapter 144.

22 184.815. 1. Whenever the creation of a district is  
23 desired, the owners of real property who own at least two-thirds  
24 of the real property within the proposed district may file a  
25 petition requesting the creation of a district. The petition  
26 shall be filed in the circuit court of the county in which the  
27 proposed district is located. Any petition to create a museum  
28 and cultural district pursuant to the provisions of sections

1 184.800 to 184.880 shall be filed within [~~five~~] fifteen years  
2 after the Presidential declaration establishing the disaster  
3 area.

4 2. The proposed district area may contain one or more  
5 parcels of real property, which may or may not be contiguous and  
6 may further include any portion of one or more municipalities.

7 3. The petition shall set forth:

8 (1) The name and address of each owner of real property  
9 located within the proposed district;

10 (2) A specific description of the proposed district  
11 boundaries including a map illustrating such boundaries;

12 (3) A general description of the purpose or purposes for  
13 which the district is being formed, including a description of  
14 the proposed museum or museums and cultural asset or cultural  
15 assets and a general plan for operation of each museum and each  
16 cultural asset within the district; and

17 (4) The name of the proposed district.

18 4. In the event any owner of real property within the  
19 proposed district who is named in the petition shall not join in  
20 the petition or file an entry of appearance and waiver of service  
21 of process in the case, a copy of the petition shall be served  
22 upon said owner in the manner provided by supreme court rule for  
23 the service of petitions generally. Any objections to the  
24 petition shall be raised by answer within the time provided by  
25 supreme court rule for the filing of an answer to a petition.

26 184.845. 1. The board of the district may impose a museum  
27 and cultural district sales tax by resolution on all retail sales  
28 made in such museum and cultural district which are subject to

1 taxation pursuant to the provisions of sections 144.010 to  
2 [144.525] 144.527. Such museum and cultural district sales tax  
3 may be imposed for any museum or cultural purpose designated by  
4 the board of the museum and cultural district. If the resolution  
5 is adopted the board of the district may submit the question of  
6 whether to impose a sales tax authorized by this section to the  
7 qualified voters, who shall have the same voting interests as  
8 with the election of members of the board of the district.

9 2. The sales tax authorized by this section shall become  
10 effective [on the first day of the second calendar quarter  
11 following adoption of the tax by the board or qualified voters]  
12 as provided in subsection 19 of section 32.087, if the board  
13 elects to submit the question of whether to impose a sales tax to  
14 the qualified voters.

15 3. In each museum and cultural district in which a sales  
16 tax has been imposed in the manner provided by this section,  
17 every retailer shall add the tax imposed by the museum and  
18 cultural district pursuant to this section to the retailer's sale  
19 price, and when so added such tax shall constitute a part of the  
20 price, shall be a debt of the purchaser to the retailer until  
21 paid, and shall be recoverable at law in the same manner as the  
22 purchase price.

23 4. In order to permit sellers required to collect and  
24 report the sales tax authorized by this section to collect the  
25 amount required to be reported and remitted, but not to change  
26 the requirements of reporting or remitting tax or to serve as a  
27 levy of the tax, and in order to avoid fractions of pennies, the  
28 [museum and cultural district may establish appropriate brackets

1 which shall be used in the district imposing a tax pursuant to  
2 this section in lieu of those brackets provided in] tax shall be  
3 calculated as authorized by the provisions of section 144.285.

4 5. All revenue received by a museum and cultural district  
5 from the tax authorized by this section which has been designated  
6 for a certain museum or cultural purpose shall be deposited in a  
7 special trust fund and shall be used solely for such designated  
8 purpose. All funds remaining in the special trust fund shall  
9 continue to be used solely for such designated museum or cultural  
10 purpose. Any funds in such special trust fund which are not  
11 needed for current expenditures may be invested by the board of  
12 directors in accordance with applicable laws relating to the  
13 investment of other museum or cultural district funds.

14 6. The sales tax may be imposed at a rate [of one-half of  
15 one percent, three-fourths of one percent or] not to exceed one  
16 percent on the receipts from the sale at retail of all tangible  
17 personal property or taxable services at retail within the museum  
18 and cultural district adopting such tax, if such property and  
19 services are subject to taxation by the state of Missouri  
20 pursuant to the provisions of sections 144.010 to [144.525]  
21 144.527. Any museum and cultural district sales tax imposed  
22 pursuant to this section shall be imposed at a rate that shall be  
23 uniform throughout the district.

24 7. On and after the effective date of any tax imposed  
25 pursuant to this section, the [museum and cultural district]  
26 director of revenue shall perform all functions incident to the  
27 administration, collection, enforcement, and operation of the  
28 tax. The tax imposed pursuant to this section shall be collected

1 and reported upon such forms and under such administrative rules  
2 and regulations as may be prescribed by the [museum and cultural  
3 district] director of revenue.

4 8. All applicable provisions contained in [sections 144.010  
5 to 144.525] chapter 144 governing the state sales tax, sections  
6 32.085 [and] to 32.087, and section 32.057, the uniform  
7 confidentiality provision, shall apply to the collection of the  
8 tax imposed by this section, except as modified in this section.  
9 All revenue collected under this section by the director of the  
10 department of revenue on behalf of the museum and cultural  
11 districts[, except for one percent for the cost of collection  
12 which shall be deposited in the state's general revenue fund,]  
13 shall be deposited in a special trust fund, which is hereby  
14 created and shall be known as the "Missouri Museum Cultural  
15 District Tax Fund", and shall be used solely for such designated  
16 purpose. [Moneys in the fund shall not be deemed to be state  
17 funds, and shall not be commingled with any funds of the state.]  
18 The director may make refunds from the amounts in the fund and  
19 credited to the district for erroneous payments and overpayments  
20 made, and may redeem dishonored checks and drafts deposited to  
21 the credit of such county.

22 9. All exemptions granted to agencies of government,  
23 organizations, persons and to the sale of certain articles and  
24 items of tangible personal property and taxable services pursuant  
25 to the provisions of sections 144.010 to [144.525] 144.527 are  
26 hereby made applicable to the imposition and collection of the  
27 tax imposed by this section.

28 10. The same sales tax permit, exemption certificate and

1 retail certificate required by sections 144.010 to [144.525]  
2 144.527 for the administration and collection of the state sales  
3 tax shall satisfy the requirements of this section, and no  
4 additional permit or exemption certificate or retail certificate  
5 shall be required; except that the museum and cultural district  
6 may prescribe a form of exemption certificate for an exemption  
7 from the tax imposed by this section.

8 11. The penalties provided in section 32.057 and sections  
9 144.010 to [144.525] 144.527 for violation of those sections are  
10 hereby made applicable to violations of this section.

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

26 13.] All sales taxes collected by the museum and cultural  
27 district shall be deposited by the museum and cultural district  
28 in a special fund to be expended for the purposes authorized in

1 this section. The museum and cultural district shall keep  
2 accurate records of the amount of money which was collected  
3 pursuant to this section, and the records shall be open to the  
4 inspection by the officers and directors of each museum and  
5 cultural district and the Missouri department of revenue. Tax  
6 returns filed by businesses within the district shall otherwise  
7 be considered as confidential in the same manner as sales tax  
8 returns filed with the Missouri department of revenue.

9 [14.] 13. No museum and cultural district imposing a sales  
10 tax pursuant to this section may repeal or amend such sales tax  
11 unless such repeal or amendment will not impair the district's  
12 ability to repay any liabilities which it has incurred, money  
13 which it has borrowed or revenue bonds, notes or other  
14 obligations which it has issued or which have been issued to  
15 finance any project or projects.

16 14. Except as modified in this section, all provisions of  
17 sections 32.085 to 32.087 shall apply to the tax imposed under  
18 this section.

19 208.431. 1. For purposes of sections 208.431 to [208.437]  
20 208.438, the following terms mean:

21 (1) "Engaging in the business of providing health benefit  
22 services", accepting payment for health benefit services;

23 (2) "[Medicaid] Managed care organization", a health  
24 [benefit plan, as defined in section 376.1350, with] maintenance  
25 organization, as defined in section 354.400, including health  
26 maintenance organizations operating pursuant to a contract under  
27 42 U.S.C. Section 1396b(m) to provide benefits to [Missouri MC+]  
28 MO HealthNet managed care program eligibility groups.

1           2. Beginning July 1, [2005] 2020, each [Medicaid] managed  
2 care organization in this state shall, in addition to all other  
3 fees and taxes now required or paid, pay a [Medicaid] managed  
4 care organization reimbursement allowance for the privilege of  
5 engaging in the business of providing health benefit services in  
6 this state. The managed care organization reimbursement  
7 allowance shall not apply to an organization that is exempt from  
8 assessment under federal law under 42 CFR 422.404 or 5 U.S.C.  
9 Section 8909(f)(1).

10           3. Each [Medicaid] managed care organization's  
11 reimbursement allowance shall be based on a formula set forth in  
12 rules, including emergency rules if necessary, promulgated by the  
13 department of social services. No [Medicaid] managed care  
14 organization reimbursement allowance shall be collected by the  
15 department of social services if the federal Center for Medicare  
16 and Medicaid Services determines that such reimbursement  
17 allowance is not authorized under Title XIX of the Social  
18 Security Act. If such determination is made by the federal  
19 Center for Medicare and Medicaid Services, any [Medicaid] managed  
20 care organization reimbursement allowance collected prior to such  
21 determination shall be immediately returned to the [Medicaid]  
22 managed care organizations which have paid such allowance.

23           208.432. Each [Medicaid] managed care organization shall  
24 keep such records as may be necessary to determine the amount of  
25 its reimbursement allowance. Every [Medicaid] managed care  
26 organization shall submit to the department of social services a  
27 statement that accurately reflects such information as is  
28 necessary to determine that [Medicaid] managed care



1 organization's reimbursement allowance.

2 208.433. 1. The director of the department of social  
3 services shall make a determination as to the amount of  
4 [Medicaid] managed care organization's reimbursement allowance  
5 due from each [Medicaid] managed care organization.

6 2. The director of the department of social services shall  
7 notify each [Medicaid] managed care organization of the annual  
8 amount of its reimbursement allowance. Such amount may be paid  
9 in monthly increments over the balance of the reimbursement  
10 allowance period.

11 3. The department of social services shall recognize the  
12 cost of the managed care organization reimbursement allowance as  
13 a cost in calculating actuarially sound reimbursement rates. The  
14 department of social services may offset the managed care  
15 organization reimbursement allowance owed by the [Medicaid]  
16 managed care organization against any payment due that managed  
17 care organization only if the managed care organization requests  
18 such an offset. The amounts to be offset shall result, so far as  
19 practicable, in withholding from the managed care organization an  
20 amount substantially equivalent to the reimbursement allowance  
21 owed by the managed care organization. The office of  
22 administration and state treasurer may make any fund transfers  
23 necessary to execute the offset.

24 208.434. 1. Each [Medicaid] managed care organization  
25 reimbursement allowance determination shall be final after  
26 receipt of written notice from the department of social services,  
27 unless the [Medicaid] managed care organization files a protest  
28 with the director of the department of social services setting

1 forth the grounds on which the protest is based, within thirty  
2 days from the date of receipt of written notice from the  
3 department of social services to the managed care organization.

4 2. If a timely protest is filed, the director of the  
5 department of social services shall reconsider the determination  
6 and, if the [Medicaid] managed care organization has so  
7 requested, the director or the director's designee shall grant  
8 the managed care organization a hearing to be held within  
9 forty-five days after the protest is filed, unless extended by  
10 agreement between the managed care organization and the director.  
11 The director shall issue a final decision within forty-five days  
12 of the completion of the hearing. After reconsideration of the  
13 reimbursement allowance determination and a final decision by the  
14 director of the department of social services, a managed care  
15 organization's appeal of the director's final decision shall be  
16 to the administrative hearing commission in accordance with  
17 sections 208.156 and 621.055.

18 208.435. 1. The department of social services shall  
19 promulgate rules, including emergency rules if necessary, to  
20 implement the provisions of sections 208.431 to [208.437]  
21 208.438, including but not limited to:

22 (1) The form and content of any documents required to be  
23 filed under sections 208.431 to [208.437] 208.438;

24 (2) The dates for the filing of documents by [Medicaid]  
25 managed care organizations and for notification by the department  
26 to each [Medicaid] managed care organization of the annual amount  
27 of its reimbursement allowance; and

28 (3) The formula for determining the amount of each managed

1 care organization's reimbursement allowance.

2 2. Any rule or portion of a rule, as that term is defined  
3 in section 536.010, that is created under the authority delegated  
4 in sections 208.431 to ~~[208.437]~~ 208.438 shall become effective  
5 only if it complies with and is subject to all of the provisions  
6 of chapter 536 and, if applicable, section 536.028. Sections  
7 208.431 to ~~[208.437]~~ 208.438 and chapter 536 are nonseverable and  
8 if any of the powers vested with the general assembly pursuant to  
9 chapter 536 to review, to delay the effective date, or to  
10 disapprove and annul a rule are subsequently held  
11 unconstitutional, then the grant of rulemaking authority and any  
12 rule proposed or adopted after May 13, 2005, shall be invalid and  
13 void.

14 208.436. 1. (1) The ~~[Medicaid]~~ managed care organization  
15 reimbursement allowance owed or, if an offset has been requested,  
16 the balance, if any, after such offset, shall be remitted by the  
17 managed care organization to the department of social services.  
18 The remittance shall be made payable to the director of the  
19 department of revenue.

20 (2) The amount remitted shall be deposited in the state  
21 treasury to the credit of the "~~[Medicaid]~~ Managed Care  
22 Organization Reimbursement Allowance Fund", which is hereby  
23 created for the sole purposes of providing payment to ~~[Medicaid]~~  
24 managed care organizations. All investment earnings of the  
25 managed care organization reimbursement allowance fund shall be  
26 credited to the ~~[Medicaid]~~ managed care organization  
27 reimbursement allowance fund.

28 (3) The unexpended balance in the ~~[Medicaid]~~ managed care

1 organization reimbursement allowance fund at the end of the  
2 biennium is exempt from the provisions of section 33.080. The  
3 unexpended balance shall not revert to the general revenue fund,  
4 but shall accumulate in the [Medicaid] managed care organization  
5 reimbursement allowance fund from year to year.

6 (4) The state treasurer shall maintain records that show  
7 the amount of money in the [Medicaid] managed care organization  
8 reimbursement allowance fund at any time and the amount of any  
9 investment earnings on that amount. The department of social  
10 services shall disclose such information to any interested party  
11 upon written request.

12 2. An offset as authorized by this section or a payment to  
13 the [Medicaid] managed care organization reimbursement allowance  
14 fund shall be accepted as payment of the [Medicaid] managed care  
15 organization's obligation imposed by section 208.431.

16 208.437. 1. A [Medicaid] managed care organization  
17 reimbursement allowance period as provided in sections 208.431 to  
18 [208.437] 208.438 shall be from the first day of July to the  
19 thirtieth day of June. The department shall notify each  
20 [Medicaid] managed care organization with a balance due on the  
21 thirtieth day of June of each year the amount of such balance  
22 due. If any managed care organization fails to pay its managed  
23 care organization reimbursement allowance within thirty days of  
24 such notice, the reimbursement allowance shall be delinquent.  
25 The reimbursement allowance may remain unpaid during an appeal.

26 2. Except as otherwise provided in this section, if any  
27 reimbursement allowance imposed under the provisions of sections  
28 208.431 to [208.437] 208.438 is unpaid and delinquent, the

1 department of social services may compel the payment of such  
2 reimbursement allowance in the circuit court having jurisdiction  
3 in the county where the main offices of the [Medicaid] managed  
4 care organization are located. In addition, the director of the  
5 department of social services or the director's designee may  
6 cancel or refuse to issue, extend or reinstate a [Medicaid]  
7 contract agreement to any [Medicaid] managed care organization  
8 which fails to pay such delinquent reimbursement allowance  
9 required by sections 208.431 to [208.437] 208.438 unless under  
10 appeal.

11 3. Except as otherwise provided in this section, failure to  
12 pay a delinquent reimbursement allowance imposed under sections  
13 208.431 to [208.437] 208.438 shall be grounds for denial,  
14 suspension or revocation of a license granted by the department  
15 of insurance, financial institutions and professional  
16 registration. The director of the department of insurance,  
17 financial institutions and professional registration may deny,  
18 suspend or revoke the license of a [Medicaid] managed care  
19 organization [with a contract under 42 U.S.C. Section 1396b(m)]  
20 which fails to pay a managed care organization's delinquent  
21 reimbursement allowance unless under appeal.

22 4. Nothing in sections 208.431 to [208.437] 208.438 shall  
23 be deemed to effect or in any way limit the tax-exempt or  
24 nonprofit status of any [Medicaid] managed care organization  
25 [with a contract under 42 U.S.C. Section 1396b(m) granted by  
26 state law].

27 5. Sections 208.431 to 208.437 shall expire on September  
28 30, [2019] 2020.

1           208.438. The managed care organization reimbursement  
2 allowance under sections 208.431 to 208.437 may be imposed on the  
3 basis of revenue or enrollment and may impose differential rates  
4 on Medicaid and commercial businesses; provided that the rate  
5 applied to commercial businesses that do not provide Medicaid  
6 services shall not exceed one dollar and eighty cents per member  
7 per month.

8           221.407. 1. The commission of any regional jail district  
9 may impose, by order, a sales tax in the amount of one-eighth of  
10 one percent, one-fourth of one percent, three-eighths of one  
11 percent, or one-half of one percent on all retail sales made in  
12 such region which are subject to taxation pursuant to the  
13 provisions of sections 144.010 to [144.525] 144.527 for the  
14 purpose of providing jail services and court facilities and  
15 equipment for such region. The tax authorized by this section  
16 shall be in addition to any and all other sales taxes allowed by  
17 law, except that no order imposing a sales tax pursuant to this  
18 section shall be effective unless the commission submits to the  
19 voters of the district, on any election date authorized in  
20 chapter 115, a proposal to authorize the commission to impose a  
21 tax.

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

24           Shall the regional jail district of \_\_\_\_\_ (counties' names)  
25 impose a region-wide sales tax of \_\_\_\_\_ (insert amount) for the  
26 purpose of providing jail services and court facilities and  
27 equipment for the region?

28            YES                    NO

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

5           If a majority of the votes cast on the proposal by the qualified  
6 voters of the district voting thereon are in favor of the  
7 proposal, then the order and any amendment to such order shall be  
8 in effect [on the first day of the second quarter immediately  
9 following the election approving the proposal] as provided by  
10 subsection 19 of section 32.087. If the proposal receives less  
11 than the required majority, the commission shall have no power to  
12 impose the sales tax authorized pursuant to this section unless  
13 and until the commission shall again have submitted another  
14 proposal to authorize the commission to impose the sales tax  
15 authorized by this section and such proposal is approved by the  
16 required majority of the qualified voters of the district voting  
17 on such proposal; however, in no event shall a proposal pursuant  
18 to this section be submitted to the voters sooner than twelve  
19 months from the date of the last submission of a proposal  
20 pursuant to this section.

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

26           4. Once the tax authorized by this section is abolished or  
27 terminated by any means, all funds remaining in the special trust  
28 fund shall be used solely for providing jail services and court

1 facilities and equipment for the district. Any funds in such  
2 special trust fund which are not needed for current expenditures  
3 may be invested by the commission in accordance with applicable  
4 laws relating to the investment of other county funds.

5 5. All sales taxes collected by the director of revenue  
6 pursuant to this section on behalf of any district[, less one  
7 percent for cost of collection which shall be deposited in the  
8 state's general revenue fund after payment of premiums for surety  
9 bonds as provided in section 32.087,] shall be deposited in a  
10 special trust fund, which is hereby created, to be known as the  
11 "Regional Jail District Sales Tax Trust Fund". [The moneys in  
12 the regional jail district sales tax trust fund shall not be  
13 deemed to be state funds and shall not be commingled with any  
14 funds of the state.] The director of revenue shall keep accurate  
15 records of the amount of money in the trust fund which was  
16 collected in each district imposing a sales tax pursuant to this  
17 section, and the records shall be open to the inspection of  
18 officers of each member county and the public. Not later than  
19 the tenth day of each month the director of revenue shall  
20 distribute all moneys deposited in the trust fund during the  
21 preceding month to the district which levied the tax. Such funds  
22 shall be deposited with the treasurer of each such district, and  
23 all expenditures of funds arising from the regional jail district  
24 sales tax trust fund shall be paid pursuant to an appropriation  
25 adopted by the commission and shall be approved by the  
26 commission. Expenditures may be made from the fund for any  
27 function authorized in the order adopted by the commission  
28 submitting the regional jail district tax to the voters.



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

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

23           8. The provisions of this section shall expire September  
24 30, 2028.

25           238.235. 1. (1) Any transportation development district  
26 may by resolution impose a transportation development district  
27 sales tax on all retail sales made in such transportation  
28 development district which are subject to taxation pursuant to

1 the provisions of sections 144.010 to ~~[144.525]~~ 144.527, except  
2 such transportation development district sales tax shall not  
3 apply to the sale or use of motor vehicles, trailers, boats or  
4 outboard motors nor to all sales of electricity or electrical  
5 current, water and gas, natural or artificial, nor to sales of  
6 service to telephone subscribers, either local or long distance.  
7 Such transportation development district sales tax may be imposed  
8 for any transportation development purpose designated by the  
9 transportation development district in its ballot of submission  
10 to its qualified voters, except that no resolution enacted  
11 pursuant to the authority granted by this section shall be  
12 effective unless:

13 (a) The board of directors of the transportation  
14 development district submits to the qualified voters of the  
15 transportation development district a proposal to authorize the  
16 board of directors of the transportation development district to  
17 impose or increase the levy of an existing tax pursuant to the  
18 provisions of this section; or

19 (b) The voters approved the question certified by the  
20 petition filed pursuant to subsection 5 of section 238.207.

21 (2) If the transportation district submits to the qualified  
22 voters of the transportation development district a proposal to  
23 authorize the board of directors of the transportation  
24 development district to impose or increase the levy of an  
25 existing tax pursuant to the provisions of paragraph (a) of  
26 subdivision (1) of this subsection, the ballot of submission  
27 shall contain, but need not be limited to, the following  
28 language:

1            Shall the transportation development district of \_\_\_\_\_  
2            (transportation development district's name) impose a  
3            transportation development district-wide sales tax at the rate of  
4            \_\_\_\_\_ (insert amount) for a period of \_\_\_\_\_ (insert number)  
5            years from the date on which such tax is first imposed for the  
6            purpose of \_\_\_\_\_ (insert transportation development purpose)?

7             YES                       NO

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

11  
12           If a majority of the votes cast on the proposal by the qualified  
13           voters voting thereon are in favor of the proposal, then the  
14           resolution and any amendments thereto shall be in effect as  
15           provided by subsection 19 of section 32.087. If a majority of  
16           the votes cast by the qualified voters voting are opposed to the  
17           proposal, then the board of directors of the transportation  
18           development district shall have no power to impose the sales tax  
19           authorized by this section unless and until the board of  
20           directors of the transportation development district shall again  
21           have submitted another proposal to authorize it to impose the  
22           sales tax pursuant to the provisions of this section and such  
23           proposal is approved by a majority of the qualified voters voting  
24           thereon.

25           (3)    [The sales tax authorized by this section shall become  
26           effective on the first day of the second calendar quarter after  
27           the department of revenue receives notification of the tax.

28           (4)    In each transportation development district in which a

1 sales tax has been imposed in the manner provided by this  
2 section, every retailer shall add the tax imposed by the  
3 transportation development district pursuant to this section to  
4 the retailer's sale price, and when so added such tax shall  
5 constitute a part of the price, shall be a debt of the purchaser  
6 to the retailer until paid, and shall be recoverable at law in  
7 the same manner as the purchase price.

8 (5) In order to permit sellers required to collect and  
9 report the sales tax authorized by this section to collect the  
10 amount required to be reported and remitted, but not to change  
11 the requirements of reporting or remitting tax or to serve as a  
12 levy of the tax, and in order to avoid fractions of pennies, the  
13 transportation development district may establish appropriate  
14 brackets which shall be used in the district imposing a tax  
15 pursuant to this section in lieu of those brackets provided in  
16 section 144.285.

17 (6)] All revenue received by a transportation development  
18 district from the tax authorized by this section which has been  
19 designated for a certain transportation development purpose shall  
20 be deposited in a special trust fund and shall be used solely for  
21 such designated purpose. Upon the expiration of the period of  
22 years approved by the qualified voters pursuant to subdivision  
23 (2) of this subsection or if the tax authorized by this section  
24 is repealed pursuant to subsection 6 of this section, all funds  
25 remaining in the special trust fund shall continue to be used  
26 solely for such designated transportation development purpose.  
27 Any funds in such special trust fund which are not needed for  
28 current expenditures may be invested by the board of directors in

1 accordance with applicable laws relating to the investment of  
2 other transportation development district funds.

3 [(7)] (4) The sales tax may be imposed in increments of  
4 one-eighth of one percent, up to a maximum of one percent on the  
5 receipts from the sale at retail of all tangible personal  
6 property or taxable services at retail within the transportation  
7 development district adopting such tax, if such property and  
8 services are subject to taxation by the state of Missouri  
9 pursuant to the provisions of sections 144.010 to [144.525]  
10 144.527, except such transportation development district sales  
11 tax shall not apply to the sale or use of motor vehicles,  
12 trailers, boats or outboard motors nor to public utilities. Any  
13 transportation development district sales tax imposed pursuant to  
14 this section shall be imposed at a rate that shall be uniform  
15 throughout the district.

16 2. The resolution imposing the sales tax pursuant to this  
17 section shall impose upon all sellers a tax for the privilege of  
18 engaging in the business of selling tangible personal property or  
19 rendering taxable services at retail to the extent and in the  
20 manner provided in sections 144.010 to [144.525] 144.527, and the  
21 rules and regulations of the director of revenue issued pursuant  
22 thereto; except that the rate of the tax shall be the rate  
23 imposed by the resolution as the sales tax and the tax shall be  
24 reported and returned to and collected by the transportation  
25 development district.

26 3. [On and after the effective date of any tax imposed  
27 pursuant to this section, the director of revenue shall perform  
28 all functions incident to the administration, collection,

1 enforcement, and operation of the tax, and the director of  
2 revenue shall collect, in addition to all other sales taxes  
3 imposed by law, the additional tax authorized pursuant to this  
4 section. The tax imposed pursuant to this section and the taxes  
5 imposed pursuant to all other laws of the state of Missouri shall  
6 be collected together and reported upon such forms and pursuant  
7 to such administrative rules and regulations as may be prescribed  
8 by the director of revenue.

9 4. (1) All applicable provisions contained in sections  
10 144.010 to 144.525, governing the state sales tax, sections  
11 32.085 and 32.087 and section 32.057, the uniform confidentiality  
12 provision, shall apply to the collection of the tax imposed by  
13 this section, except as modified in this section.

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

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

28 (4) All discounts allowed the retailer pursuant to the

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

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

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

23 5.] All sales taxes received by the transportation  
24 development district shall be deposited by the director of  
25 revenue in a special fund to be expended for the purposes  
26 authorized in this section. The director of revenue shall keep  
27 accurate records of the amount of money which was collected  
28 pursuant to this section, and the records shall be open to the

1 inspection of officers of each transportation development  
2 district and the general public.

3 [6.] 4. (1) No transportation development district  
4 imposing a sales tax pursuant to this section may repeal or amend  
5 such sales tax unless such repeal or amendment will not impair  
6 the district's ability to repay any liabilities which it has  
7 incurred, money which it has borrowed or revenue bonds, notes or  
8 other obligations which it has issued or which have been issued  
9 by the commission or any local transportation authority to  
10 finance any project or projects.

11 (2) Whenever the board of directors of any transportation  
12 development district in which a transportation development sales  
13 tax has been imposed in the manner provided by this section  
14 receives a petition, signed by ten percent of the qualified  
15 voters calling for an election to repeal such transportation  
16 development sales tax, the board of directors shall, if such  
17 repeal will not impair the district's ability to repay any  
18 liabilities which it has incurred, money which it has borrowed or  
19 revenue bonds, notes or other obligations which it has issued or  
20 which have been issued by the commission or any local  
21 transportation authority to finance any project or projects,  
22 submit to the qualified voters of such transportation development  
23 district a proposal to repeal the transportation development  
24 sales tax imposed pursuant to the provisions of this section. If  
25 a majority of the votes cast on the proposal by the qualified  
26 voters voting thereon are in favor of the proposal to repeal the  
27 transportation development sales tax, then the resolution  
28 imposing the transportation development sales tax, along with any



1 amendments thereto, is repealed as provided by subsection 19 of  
2 section 32.087. If a majority of the votes cast by the qualified  
3 voters voting thereon are opposed to the proposal to repeal the  
4 transportation development sales tax, then the ordinance or  
5 resolution imposing the transportation development sales tax,  
6 along with any amendments thereto, shall remain in effect.

7 [7.] 5. Notwithstanding any provision of sections 99.800 to  
8 99.865 and this section to the contrary, the sales tax imposed by  
9 a district whose project is a public mass transportation system  
10 shall not be considered economic activity taxes as such term is  
11 defined under sections 99.805 and 99.918 and shall not be subject  
12 to allocation under the provisions of subsection 3 of section  
13 99.845, or subsection 4 of section 99.957.

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

24 7. Except as provided in this section, all provisions of  
25 sections 32.085 to 32.087 shall apply to the tax imposed under  
26 this section.

27 238.410. 1. Any county transit authority established  
28 pursuant to section 238.400 may impose a sales tax of up to one

1 percent on all retail sales made in such county which are subject  
2 to taxation under the provisions of sections 144.010 to [144.525]  
3 14.527. The tax authorized by this section shall be in addition  
4 to any and all other sales taxes allowed by law, except that no  
5 sales tax imposed under the provisions of this section shall be  
6 effective unless the governing body of the county, on behalf of  
7 the transit authority, submits to the voters of the county, at a  
8 county or state general, primary or special election, a proposal  
9 to authorize the transit authority to impose a tax.

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

12 Shall the \_\_\_\_\_ Transit Authority impose a countywide sales  
13 tax of \_\_\_\_\_ (insert amount) in order to provide revenues for  
14 the operation of transportation facilities operated by the  
15 transit authority?

16  YES  NO

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

20  
21 If a majority of the votes cast on the proposal by the qualified  
22 voters voting thereon are in favor of the proposal, then the tax  
23 shall become effective [on the first day of the second calendar  
24 quarter following notification to the department of revenue of  
25 adoption of the tax] as provided by subsection 19 of section  
26 32.087. If a majority of the votes cast by the qualified voters  
27 voting are opposed to the proposal, then the transit authority  
28 shall have no power to impose the sales tax authorized by this

1 section unless and until another proposal to authorize the  
2 transit authority to impose the sales tax authorized by this  
3 section has been submitted and such proposal is approved by a  
4 majority of the qualified voters voting thereon.

5 3. All revenue received by the transit authority from the  
6 tax authorized under the provisions of this section shall be  
7 deposited in a special trust fund and shall be used solely by the  
8 transit authority for construction, purchase, lease, maintenance  
9 and operation of transportation facilities located within the  
10 county for so long as the tax shall remain in effect. Any funds  
11 in such special trust fund which are not needed for current  
12 expenditures may be invested by the transit authority in  
13 accordance with applicable laws relating to the investment of  
14 county funds.

15 4. No transit authority imposing a sales tax pursuant to  
16 this section may repeal or amend such sales tax unless such  
17 repeal or amendment is submitted to and approved by the voters of  
18 the county in the same manner as provided in subsection 1 of this  
19 section for approval of such tax. Whenever the governing body of  
20 any county in which a sales tax has been imposed in the manner  
21 provided by this section receives a petition, signed by ten  
22 percent of the registered voters of such county voting in the  
23 last gubernatorial election, calling for an election to repeal  
24 such sales tax, the governing body shall submit to the voters of  
25 such county a proposal to repeal the sales tax imposed under the  
26 provisions of this section. If a majority of the votes cast on  
27 the proposal by the registered voters voting thereon are in favor  
28 of the proposal to repeal the sales tax, then such sales tax is

1 repealed as provided by subsection 19 of section 32.087. If a  
2 majority of the votes cast by the registered voters voting  
3 thereon are opposed to the proposal to repeal the sales tax, then  
4 such sales tax shall remain in effect.

5 5. The sales tax imposed under the provisions of this  
6 section shall impose upon all sellers a tax for the privilege of  
7 engaging in the business of selling tangible personal property or  
8 rendering taxable services at retail to the extent and in the  
9 manner provided in sections 144.010 to ~~[144.525]~~ 144.527 and the  
10 rules and regulations of the director of revenue issued pursuant  
11 thereto; except that the rate of the tax shall be the rate  
12 approved pursuant to this section. The amount reported and  
13 returned to the director of revenue by the seller shall be  
14 computed on the basis of the combined rate of the tax imposed by  
15 sections 144.010 to ~~[144.525]~~ 144.527 and the tax imposed by this  
16 section, plus any amounts imposed under other provisions of law.

17 6. After the effective date of any tax imposed under the  
18 provisions of this section, the director of revenue shall perform  
19 all functions incident to the administration, collection,  
20 enforcement, and operation of the tax, and the director of  
21 revenue shall collect in addition to the sales tax for the state  
22 of Missouri the additional tax authorized under the authority of  
23 this section. The tax imposed under this section and the tax  
24 imposed under the sales tax law of the state of Missouri shall be  
25 collected together and reported upon such forms and under such  
26 administrative rules and regulations as may be prescribed by the  
27 director of revenue. In order to permit sellers required to  
28 collect and report the sales tax to collect the amount required

1 to be reported and remitted, but not to change the requirements  
2 of reporting or remitting tax or to serve as a levy of the tax,  
3 and in order to avoid fractions of pennies, the applicable  
4 provisions of section 144.285 shall apply to all taxable  
5 transactions.

6 7. All applicable provisions contained in sections 144.010  
7 to ~~[144.525]~~ 144.527 governing the state sales tax and section  
8 32.057, the uniform confidentiality provision, shall apply to the  
9 collection of the tax imposed by this section, except as modified  
10 in this section. All exemptions granted to agencies of  
11 government, organizations, persons and to the sale of certain  
12 articles and items of tangible personal property and taxable  
13 services under the provisions of sections 144.010 to ~~[144.525]~~  
14 144.527 are hereby made applicable to the imposition and  
15 collection of the tax imposed by this section. The same sales  
16 tax permit, exemption certificate and retail certificate required  
17 by sections 144.010 to ~~[144.525]~~ 144.527 for the administration  
18 and collection of the state sales tax shall satisfy the  
19 requirements of this section, and no additional permit or  
20 exemption certificate or retail certificate shall be required;  
21 except that the director of revenue may prescribe a form of  
22 exemption certificate for an exemption from the tax imposed by  
23 this section. All discounts allowed the retailer under the  
24 provisions of the state sales tax law for the collection of and  
25 for payment of taxes under chapter 144 are hereby allowed and  
26 made applicable to any taxes collected under the provisions of  
27 this section. The penalties provided in section 32.057 and  
28 sections 144.010 to ~~[144.525]~~ 144.527 for a violation of those

1 sections are hereby made applicable to violations of this  
2 section.

3 8. [For the purposes of a sales tax imposed pursuant to  
4 this section, all retail sales shall be deemed to be consummated  
5 at the place of business of the retailer, except for tangible  
6 personal property sold which is delivered by the retailer or his  
7 agent to an out-of-state destination or to a common carrier for  
8 delivery to an out-of-state destination and except for the sale  
9 of motor vehicles, trailers, boats and outboard motors, which is  
10 provided for in subsection 12 of this section. In the event a  
11 retailer has more than one place of business in this state which  
12 participates in the sale, the sale shall be deemed to be  
13 consummated at the place of business of the retailer where the  
14 initial order for the tangible personal property is taken, even  
15 though the order must be forwarded elsewhere for acceptance,  
16 approval of credit, shipment or billing. A sale by a retailer's  
17 employee shall be deemed to be consummated at the place of  
18 business from which he works.

19 9.] All sales taxes collected by the director of revenue  
20 under this section on behalf of any transit authority[, less one  
21 percent for cost of collection which shall be deposited in the  
22 state's general revenue fund after payment of premiums for surety  
23 bonds as provided in this section,] shall be deposited in the  
24 state treasury in a special trust fund, which is hereby created,  
25 to be known as the "County Transit Authority Sales Tax Trust  
26 Fund". [The moneys in the county transit authority sales tax  
27 trust fund shall not be deemed to be state funds and shall not be  
28 commingled with any funds of the state.] The director of revenue

1 shall keep accurate records of the amount of money in the trust  
2 fund which was collected in each transit authority imposing a  
3 sales tax under this section, and the records shall be open to  
4 the inspection of officers of the county and the public. Not  
5 later than the tenth day of each month the director of revenue  
6 shall distribute all moneys deposited in the trust fund during  
7 the preceding month to the transit authority which levied the  
8 tax.

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

1 any check redeemed from receipts due the transit authority. The  
2 director of revenue shall annually report on his management of  
3 the trust fund and administration of the sales taxes authorized  
4 by this section. He shall provide each transit authority  
5 imposing the tax authorized by this section with a detailed  
6 accounting of the source of all funds received by him for the  
7 transit authority.

8 [11.] 10. The director of revenue and any of his deputies,  
9 assistants and employees who shall have any duties or  
10 responsibilities in connection with the collection, deposit,  
11 transfer, transmittal, disbursement, safekeeping, accounting, or  
12 recording of funds which come into the hands of the director of  
13 revenue under the provisions of this section shall enter a surety  
14 bond or bonds payable to any and all transit authorities in whose  
15 behalf such funds have been collected under this section in the  
16 amount of one hundred thousand dollars; but the director of  
17 revenue may enter into a blanket bond or bonds covering himself  
18 and all such deputies, assistants and employees. The cost of the  
19 premium or premiums for the surety bond or bonds shall be paid by  
20 the director of revenue from the share of the collection retained  
21 by the director of revenue for the benefit of the state.

22 [12.] 11. Sales taxes imposed pursuant to this section and  
23 use taxes on the purchase and sale of motor vehicles, trailers,  
24 boats, and outboard motors shall not be collected and remitted by  
25 the seller, but shall be collected by the director of revenue at  
26 the time application is made for a certificate of title, if the  
27 address of the applicant is within a county where a sales tax is  
28 imposed under this section. The amounts so collected, less the



1 one percent collection cost, shall be deposited in the county  
2 transit authority sales tax trust fund. The purchase or sale of  
3 motor vehicles, trailers, boats, and outboard motors shall be  
4 deemed to be consummated at the address of the applicant. As  
5 used in this subsection, the term "boat" shall only include  
6 motorboats and vessels as the terms "motorboat" and "vessel" are  
7 defined in section 306.010.

8 [13.] 12. In any county where the transit authority sales  
9 tax has been imposed, if any person is delinquent in the payment  
10 of the amount required to be paid by him under this section or in  
11 the event a determination has been made against him for taxes and  
12 penalty under this section, the limitation for bringing suit for  
13 the collection of the delinquent tax and penalty shall be the  
14 same as that provided in sections 144.010 to [144.525] 144.527.  
15 Where the director of revenue has determined that suit must be  
16 filed against any person for the collection of delinquent taxes  
17 due the state under the state sales tax law, and where such  
18 person is also delinquent in payment of taxes under this section,  
19 the director of revenue shall notify the transit authority to  
20 which delinquent taxes are due under this section by United  
21 States registered mail or certified mail at least ten days before  
22 turning the case over to the attorney general. The transit  
23 authority, acting through its attorney, may join in such suit as  
24 a party plaintiff to seek a judgment for the delinquent taxes and  
25 penalty due such transit authority. In the event any person  
26 fails or refuses to pay the amount of any sales tax due under  
27 this section, the director of revenue shall promptly notify the  
28 transit authority to which the tax would be due so that

1 appropriate action may be taken by the transit authority.

2 [14.] 13. Where property is seized by the director of  
3 revenue under the provisions of any law authorizing seizure of  
4 the property of a taxpayer who is delinquent in payment of the  
5 tax imposed by the state sales tax law, and where such taxpayer  
6 is also delinquent in payment of any tax imposed by this section,  
7 the director of revenue shall permit the transit authority to  
8 join in any sale of property to pay the delinquent taxes and  
9 penalties due the state and to the transit authority under this  
10 section. The proceeds from such sale shall first be applied to  
11 all sums due the state, and the remainder, if any, shall be  
12 applied to all sums due such transit authority under this  
13 section.

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

18 16.] 14. In the event that any transit authority in any  
19 county with a charter form of government and with more than two  
20 hundred fifty thousand but fewer than three hundred fifty  
21 thousand inhabitants submits a proposal in any election to  
22 increase the sales tax under this section, and such proposal is  
23 approved by the voters, the county shall be reimbursed for the  
24 costs of submitting such proposal from the funds derived from the  
25 tax levied under this section.

26 15. Except as provided in sections 238.400 to 238.412, all  
27 provisions of sections 32.085 to 32.087 shall apply to the tax  
28 imposed under sections 238.410 to 238.412.

1           351.1400. As used in sections 351.1400 to 351.1435, the  
2 following terms mean:

3           (1) "Benefit corporation", a corporation:

4           (a) Which has elected to become subject to sections  
5 351.1400 to 351.1435;

6           (b) Which has not terminated its status as a benefit  
7 corporation under section 351.1412; and

8           (c) Which is a general corporation formed under the  
9 provisions of sections 351.010 to 351.935;

10          (2) "Benefit director", the director elected by the benefit  
11 corporation under section 351.1421;

12          (3) "Benefit enforcement proceeding", any claim, action, or  
13 proceeding for:

14           (a) Failure of a benefit corporation to pursue or create  
15 general public benefit or a specific public benefit purpose set  
16 forth in its articles of incorporation; or

17           (b) Violation of any obligation, duty, or standard of  
18 conduct under sections 351.1400 to 351.1435;

19          (4) "Benefit officer", the individual designated as the  
20 benefit officer of a benefit corporation under section 351.1427;

21          (5) "General public benefit", a material positive impact on  
22 society and the environment, taken as a whole, from the business  
23 and operations of a benefit corporation, assessed taking into  
24 account the impacts of the benefit corporation as reported  
25 against a third-party standard;

26          (6) "Independent", having no material relationship with a  
27 benefit corporation or a subsidiary of the benefit corporation,  
28 provided that serving as benefit director or benefit officer of a

1 benefit corporation shall not constitute a material relationship.  
2 A material relationship between an individual and a benefit  
3 corporation or any of its subsidiaries shall be conclusively  
4 presumed to exist if:

5 (a) The individual is, or has been within the last three  
6 years, an employee other than a benefit officer of the benefit  
7 corporation or a subsidiary;

8 (b) An immediate family member of the individual is, or has  
9 been within the last three years, an executive officer other than  
10 a benefit officer of the benefit corporation or a subsidiary; or

11 (c) There is beneficial or record ownership of five percent  
12 or more of the outstanding shares of the benefit corporation,  
13 calculated as if all outstanding rights to acquire equity  
14 interests in the benefit corporation had been exercised, by:

15 a. The individual; or

16 b. An entity:

17 (i) Of which the individual is a director, an officer, or a  
18 manager; or

19 (ii) In which the individual owns beneficially or of record  
20 five percent or more of the outstanding equity interests,  
21 calculated as if all outstanding rights to acquire equity  
22 interests in the entity had been exercised;

23 (7) "Minimum status vote":

24 (a) In the case of a business corporation in addition to  
25 any other approval or vote required by the articles of  
26 incorporation or bylaws of the benefit corporation, the  
27 satisfaction of the following conditions:

28 a. The shareholders of every class or series shall be

1 entitled to vote on the corporate action regardless of a  
2 limitation stated in the articles of incorporation or bylaws on  
3 the voting rights of any class or series;

4 b. The corporate action shall be approved by vote of the  
5 shareholders of each class or series entitled to cast at least  
6 two-thirds of the votes that all shareholders of the class or  
7 series are entitled to cast on the action;

8 (b) In the case of a domestic entity other than a business  
9 corporation, in addition to any other required approval, vote, or  
10 consent, the satisfaction of the following conditions:

11 a. The holders of every class or series of equity interest  
12 in the entity that are entitled to receive a distribution of any  
13 kind from the entity shall be entitled to vote on the action  
14 regardless of any otherwise applicable limitation on the voting  
15 or consent rights of any class or series;

16 b. The action must be approved by the affirmative vote of  
17 the holders entitled to cast at least two-thirds of the votes or  
18 consents that all of those holders are entitled to cast on the  
19 action;

20 (8) "Specific public benefit", includes:

21 (a) Providing low-income or underserved individuals or  
22 communities with beneficial products or services;

23 (b) Promoting economic opportunity for individuals or  
24 communities beyond the creation of jobs in the normal course of  
25 business;

26 (c) Protecting or restoring the environment;

27 (d) Improving human health;

28 (e) Promoting the arts, sciences, or advancement of

1 knowledge;

2 (f) Increasing the flow of capital to entities with a  
3 purpose to benefit society or the environment;

4 (g) Conferring any other particular benefit on society or  
5 the environment;

6 (9) "Subsidiary", in relation to a person, an entity in  
7 which the person owns beneficially or of record fifty percent or  
8 more of the outstanding equity interests;

9 (10) "Third-party standard", a recognized standard for  
10 defining, reporting, and assessing corporate social and  
11 environmental performance. Such standard shall:

12 (a) Assess the effect of the business and its operations  
13 upon the interests listed in paragraphs (b), (c), (d), and (e) of  
14 subdivision (1) of subsection 1 of section 351.1418;

15 (b) Be developed by an entity that is not controlled by the  
16 benefit corporation;

17 (c) Be developed by an entity that both:

18 a. Has access to necessary expertise to assess overall  
19 corporate social and environmental performance; and

20 b. Uses a balanced multistakeholder approach to develop the  
21 standard, including a reasonable public comment period; and

22 (d) Keep the following information publicly available:

23 a. The criteria considered when measuring the overall  
24 social and environmental performance of a business;

25 b. The relative weightings, if any, of those criteria;

26 c. The identity of the directors, officers, material  
27 owners, and the governing body of the entity that developed and  
28 controls revisions to the standard;

1           d. The process by which revisions to the standard and  
2 changes to the membership of the governing body are made; and

3           e. An accounting of the revenue and sources of financial  
4 support for the entity, with sufficient detail to disclose any  
5 relationships that could reasonably be considered to present a  
6 potential conflict of interest.

7           351.1403. 1. Sections 351.1400 to 351.1435 shall be  
8 applicable to all benefit corporations.

9           2. All provisions of sections 351.010 to 351.935 relating  
10 to the administration, enforcement, interpretation, or amendment  
11 of such sections shall be applicable to sections 351.1400 to  
12 351.1435, provided that, in all cases in which the provisions of  
13 sections 351.1400 to 351.1435 are contrary or inconsistent with  
14 the provisions of 351.010 to 351.935, the provisions of sections  
15 351.1400 to 351.1435 shall take precedence over the provisions of  
16 sections 351.010 to 351.935.

17           3. A provision of the articles of incorporation or bylaws  
18 of a benefit corporation shall not limit, be inconsistent with,  
19 or supersede any provision of sections 351.1400 to 351.1435.

20           351.1409. 1. Any existing corporation formed under the  
21 provisions of sections 351.010 to 351.935 may become a benefit  
22 corporation by amending its articles of incorporation to include  
23 a statement that the corporation is a benefit corporation. Such  
24 amendment shall be adopted by at least the minimum status vote.

25           2. For any entity that is a party to a merger or  
26 consolidation or is the exchanging entity in a share exchange,  
27 where the surviving, new, or resulting entity in the merger,  
28 consolidation, or share exchange is intended to be a benefit

1 corporation, such plan of merger, consolidation, or share  
2 exchange shall be adopted by at least the minimum status vote in  
3 order to be effective.

4 351.1412. 1. A benefit corporation may terminate its  
5 status as such and cease to be subject to sections 351.1400 to  
6 351.1435 by amending its articles of incorporation to remove the  
7 statement that the corporation is a benefit corporation. Such  
8 amendment shall be adopted by at least the minimum status vote.

9 2. If a plan of merger, conversion, or share exchange would  
10 have the effect of terminating the status of a business  
11 corporation as a benefit corporation, the plan shall be adopted  
12 by at least the minimum status vote in order to be effective.

13 3. Any sale, lease, exchange, or other disposition of all  
14 or substantially all of the assets of a benefit corporation,  
15 unless the transaction is in the usual and regular course of  
16 business, shall not be effective unless the transaction is  
17 approved by at least the minimum status vote.

18 351.1415. 1. A benefit corporation shall create general  
19 public benefit which shall be in addition to its purpose under  
20 sections 351.010 to 351.935 and any specific purpose set forth in  
21 the articles of incorporation in accordance with subsection 2 of  
22 this section.

23 2. The articles of incorporation of a benefit corporation  
24 may identify one or more specific public benefit purposes in  
25 addition to its purposes under sections 351.010 to 351.935 and  
26 subsection 1 of this section.

27 3. A benefit corporation may amend its articles of  
28 incorporation to add, amend, or delete the identification of a



1 specific public benefit. Such amendment shall be adopted by at  
2 least the minimum status vote.

3 351.1418. 1. In discharging the duties of their respective  
4 positions and in considering the best interests of the benefit  
5 corporation, the board of directors, committees of the board, and  
6 individual directors of a benefit corporation:

7 (1) Shall consider the effects of any action or inaction  
8 upon:

9 (a) The shareholders of the benefit corporation;

10 (b) The employees and work force of the benefit  
11 corporation, its subsidiaries, and its suppliers;

12 (c) The interests of customers as beneficiaries of the  
13 general public benefit or specific public benefit purposes of the  
14 benefit corporation;

15 (d) Community and societal factors, including those of each  
16 community in which offices or facilities of the benefit  
17 corporation, its subsidiaries, or its suppliers are located;

18 (e) The local and global environment;

19 (f) The short-term and long-term interests of the benefit  
20 corporation, including benefits that may accrue to the benefit  
21 corporation from its long-term plans and the possibility that  
22 these interests may be best served by the continued independence  
23 of the benefit corporation; and

24 (g) The ability of the benefit corporation to accomplish  
25 its general public benefit purpose and any specific public  
26 benefit purpose; and

27 (2) May consider other pertinent factors or the interests  
28 of any other group deemed appropriate; and

1       (3) Shall not be required to give priority to the interests  
2 of a particular person or group over the interests of any other  
3 person or group unless the benefit corporation has stated in its  
4 articles of incorporation its intention to give priority to  
5 certain interests related to its accomplishment of its general  
6 public benefit purpose or specific public benefit purpose.

7       2. A director shall not be personally liable for monetary  
8 damages for:

9       (1) Any action or inaction in the course of performing the  
10 duties of a director under subsection 1 of this section if the  
11 director was not interested with respect to the action or  
12 inaction; or

13       (2) Failure of the benefit corporation to pursue or create  
14 general public benefit or specific public benefit.

15       3. A director shall not have a duty to any person that is a  
16 beneficiary of the general public benefit purpose or a specific  
17 public benefit purpose of a benefit corporation arising from the  
18 status of the person as a beneficiary.

19       4. A director who makes a business judgment in good faith  
20 fulfills the duty under this section if the director:

21       (1) Is not interested in the subject of the business  
22 judgment;

23       (2) Is informed with respect to the subject of the business  
24 judgment to the extent the director reasonably believes to be  
25 appropriate under the circumstances; and

26       (3) Reasonably believes that the business judgment is in  
27 the best interests of the benefit corporation.

28       351.1421. 1. The board of directors of a benefit

1 corporation may include a director, who:

2 (1) Shall be designated the benefit director; and

3 (2) Shall have, in addition to the powers, duties, rights,  
4 and immunities of the other directors of the benefit corporation,  
5 the powers, duties, rights, and immunities provided in this  
6 section.

7 2. The benefit director shall be elected, and may be  
8 removed, in the same manner that directors of any board of  
9 directors for a corporation are removed provided by sections  
10 351.010 to 351.526, and shall be an individual who is  
11 independent. The benefit director may serve as the benefit  
12 officer at the same time as serving as the benefit director. The  
13 articles of incorporation or bylaws of a benefit corporation may  
14 prescribe additional qualifications of the benefit director not  
15 inconsistent with this subsection.

16 3. The benefit corporation shall include in its annual  
17 benefit report to shareholders a report that shall address all of  
18 the following:

19 (1) Whether the benefit corporation acted in accordance  
20 with its general public benefit purpose and any specific public  
21 benefit purpose in all material respects during the period  
22 covered by the report;

23 (2) Whether the directors and officers complied with  
24 subsection 1 of section 351.1418 and subsection 1 of section  
25 351.1424, respectively;

26 (3) Whether the benefit corporation or its directors or  
27 officers failed to act or comply in the manner described in  
28 subdivisions (1) and (2) of this subsection, and if so, a

1 description of the ways in which the benefit corporation or its  
2 directors or officers failed to act or comply.

3 4. The act or inaction of an individual in the capacity of  
4 a benefit director shall constitute for all purposes an act or  
5 inaction of that individual in the capacity of a director of the  
6 benefit corporation.

7 5. Regardless of whether the articles of incorporation or  
8 bylaws of a benefit corporation include a provision eliminating  
9 or limiting the personal liability of directors authorized by  
10 section 351.055, a benefit director shall not be personally  
11 liable for an act or inaction in his or her capacity as a benefit  
12 director unless the act or inaction constitutes self-dealing,  
13 willful misconduct, or a knowing violation of law.

14 351.1424. 1. Each officer of a benefit corporation shall  
15 consider the interests and factors described in subsection 1 of  
16 section 351.1418 in the manner provided in subsection 1 of  
17 section 351.1418 if:

18 (1) The officer has discretion to act with respect to a  
19 matter; and

20 (2) It reasonably appears to the officer that the matter  
21 may have a material effect on the creation by the benefit  
22 corporation of general public benefit or a specific public  
23 benefit identified in the articles of incorporation of the  
24 benefit corporation.

25 2. Except as provided in the articles of incorporation, an  
26 officer is not personally liable for monetary damages for:

27 (1) Any action or inaction in the course of performing the  
28 duties of an officer under subsection 1 of this section if the

1 officer was not interested with respect to the action or  
2 inaction; or

3 (2) Failure of the benefit corporation to pursue or create  
4 general public benefit or specific public benefit.

5 3. An officer does not have a duty to a person that is a  
6 beneficiary of the general public benefit purpose or a specific  
7 public benefit purpose of a benefit corporation arising from the  
8 status of the person as a beneficiary.

9 4. An officer who makes a business judgment in good faith  
10 fulfills the duty under this section if the officer:

11 (1) Is not interested in the subject of the business  
12 judgment;

13 (2) Is informed with respect to the subject of the business  
14 judgment to the extent the officer reasonably believes to be  
15 appropriate under the circumstances; and

16 (3) Reasonably believes that the business judgment is in  
17 the best interests of the benefit corporation.

18 351.1427. 1. A benefit corporation may have an officer  
19 designated as the benefit officer.

20 2. A benefit officer shall have:

21 (1) The powers and duties relating to the purpose of the  
22 corporation to create general public benefit or specific public  
23 benefit provided:

24 (a) By the bylaws; or

25 (b) Absent controlling provisions in the bylaws, by  
26 resolutions or orders of the board of directors; and

27 (2) The duty to prepare the benefit report required by  
28 section 351.1433.

1           351.1430. 1. A benefit corporation shall prepare an annual  
2 benefit report including all of the following:

3           (1) A narrative description of:

4           (a) The ways in which the benefit corporation pursued  
5 general public benefit during the year and the extent to which  
6 general public benefit was created;

7           (b) Both:

8           a. The ways in which the benefit corporation pursued a  
9 specific public benefit that the articles of incorporation state  
10 it is the purpose of the benefit corporation to create; and

11           b. The extent to which that specific public benefit was  
12 created;

13           (c) Any circumstances that have hindered the creation by  
14 the benefit corporation of general public benefit or specific  
15 public benefit;

16           (d) The process and rationale for selecting or changing the  
17 third-party standard used to prepare the benefit report;

18           (2) An assessment of the overall social and environmental  
19 performance of the benefit corporation against a third-party  
20 standard:

21           (a) Applied consistently with any application of that  
22 standard in prior benefit reports; or

23           (b) Accompanied by an explanation of the reasons for:

24           a. Any inconsistent application; or

25           b. The change to that standard from the one used in the  
26 immediately prior report;

27           (3) The name of the benefit director and the benefit  
28 officer, if any, and the address to which correspondence to each

1 of them may be directed;

2 (4) The compensation paid by the benefit corporation during  
3 the year to each director in the capacity of a director;

4 (5) The statement of the benefit director described in  
5 subsection 3 of section 351.1424;

6 (6) A statement of any connection between the organization  
7 that established the third-party standard, or its directors,  
8 officers or any holder of five percent or more of the governance  
9 interests in the organization, and the benefit corporation or its  
10 directors, officers or any holder of five percent or more of the  
11 outstanding shares of the benefit corporation, including any  
12 financial or governance relationship which might materially  
13 affect the credibility of the use of the third-party standard;  
14 and

15 (7) If the benefit corporation has dispensed with, or  
16 restricted the discretion or powers of, the board of directors, a  
17 description of the persons that exercise the powers, duties, and  
18 rights and who have the immunities of the board of directors.

19 2. If, during the year covered by a benefit report, a  
20 benefit director resigned from or refused to stand for reelection  
21 to the position of benefit director, or was removed from the  
22 position of benefit director, and the benefit director furnished  
23 the benefit corporation with any written correspondence  
24 concerning the circumstances surrounding the resignation,  
25 refusal, or removal, the benefit report shall include that  
26 correspondence as an exhibit.

27 3. Neither the benefit report nor the assessment of the  
28 performance of the benefit corporation in the benefit report

1 required by subdivision (2) of subsection 1 of this section needs  
2 to be audited or certified by a third party standards provider.

3 351.1433. 1. A benefit corporation shall send its annual  
4 benefit report to each shareholder:

5 (1) Within one hundred twenty days following the end of the  
6 fiscal year of the benefit corporation; or

7 (2) At the same time that the benefit corporation delivers  
8 any other annual report to its shareholders.

9 2. A benefit corporation shall post all of its benefit  
10 reports on the public portion of its internet website, if any,  
11 but the compensation paid to directors and financial or  
12 proprietary information included in the benefit reports may be  
13 omitted from the benefit reports as posted.

14 3. If a benefit corporation does not have an internet  
15 website, the benefit corporation shall provide a copy of its most  
16 recent benefit report, without charge, to any person that  
17 requests a copy, but the compensation paid to directors and  
18 financial or proprietary information included in the benefit  
19 report may be omitted from the copy of the benefit report  
20 provided.

21 4. (1) Concurrently with the delivery of the benefit  
22 report to shareholders under subsection 3 of this section, the  
23 benefit corporation shall deliver a copy of the benefit report to  
24 the secretary of state for filing, but the compensation paid to  
25 directors and financial or proprietary information included in  
26 the benefit report may be omitted from the benefit report as  
27 delivered to the secretary of state.

28 (2) The secretary of state shall charge a fee of forty-five



1 dollars for filing a benefit report.

2 351.1435. 1. (1) Except in a benefit enforcement  
3 proceeding, no person may bring an action or assert a claim  
4 against a benefit corporation or its directors or officers with  
5 respect to:

6 (a) Failure to pursue or create general public benefit or a  
7 specific public benefit set forth in its articles of  
8 incorporation; or

9 (b) Violation of an obligation, duty, or standard of  
10 conduct under sections 351.1400 to 351.1435.

11 (2) A benefit corporation shall not be liable for monetary  
12 damages under sections 351.1400 to 351.1435 for any failure of  
13 the benefit corporation to pursue or create general public  
14 benefit or a specific public benefit.

15 2. A benefit enforcement proceeding may be commenced or  
16 maintained only:

17 (1) Directly by the benefit corporation; or

18 (2) Derivatively by:

19 (a) A person or group of persons that owned beneficially or  
20 of record at least two percent of the total number of shares of a  
21 class or series outstanding at the time of the act or inaction;

22 (b) A director;

23 (c) A person or group of persons that owned beneficially or  
24 of record five percent or more of the outstanding equity  
25 interests in an entity of which the benefit corporation is a  
26 subsidiary at the time of the act or inaction; or

27 (d) Other persons as specified in the articles of  
28 incorporation or bylaws of the benefit corporation.

1           3. For purposes of this section, a person is the beneficial  
2 owner of shares or equity interests if the shares or equity  
3 interests are held in a voting trust or by a nominee on behalf of  
4 the beneficial owner.

5           620.800. The following additional terms used in sections  
6 620.800 to 620.809 shall mean:

7           (1) "Agreement", the agreement between a qualified company,  
8 a community college district, and the department concerning a  
9 training project. Any such agreement shall comply with the  
10 provisions of section 620.017;

11           (2) "Board of trustees", the board of trustees of a  
12 community college district established under the provisions of  
13 chapter 178;

14           (3) "Certificate", a new or retained jobs training  
15 certificate issued under section 620.809;

16           (4) "Committee", the Missouri [works] one start job  
17 training joint legislative oversight committee, established under  
18 the provisions of section 620.803;

19           (5) "Department", the Missouri department of economic  
20 development;

21           (6) "Employee", a person employed by a qualified company;

22           (7) "Existing Missouri business", a qualified company that,  
23 for the ten-year period preceding submission of a notice of  
24 intent to the department, had a physical location in Missouri and  
25 full-time employees who routinely performed job duties within  
26 Missouri;

27           (8) "Full-time employee", an employee of the qualified  
28 company who is scheduled to work an average of at least

1 thirty-five hours per week for a twelve-month period, and one to  
2 whom the qualified company offers health insurance and pays at  
3 least fifty percent of such insurance premiums;

4 [(8)] (9) "Local education agency", a community college  
5 district, two-year state technical college, or technical career  
6 education center;

7 [(9)] (10) "Missouri [works training] one start program",  
8 the training program established under sections 620.800 to  
9 620.809;

10 [(10)] (11) "New capital investment", costs incurred by the  
11 qualified company at the project facility for real or personal  
12 property, that may include the value of finance or capital leases  
13 for real or personal property for the term of such lease at the  
14 project facility executed after acceptance by the qualified  
15 company of the proposal for benefits from the department or  
16 approval of the notice of intent;

17 [(11)] (12) "New job", the number of full-time employees  
18 located at the project facility that exceeds the project facility  
19 base employment less any decrease in the number of full-time  
20 employees at related facilities below the related facility base  
21 employment. No job that was created prior to the date of the  
22 notice of intent shall be deemed a new job. An employee who  
23 spends less than fifty percent of his or her work time at the  
24 facility is still considered to be located at a facility if he or  
25 she receives his or her directions and control from that  
26 facility, is on the facility's payroll, one hundred percent of  
27 the employee's income from such employment is Missouri income,  
28 and the employee is paid at or above the applicable percentage of

1 the county's average wage;

2 [(12)] (13) "New jobs credit", the credit from withholding  
3 remitted by a qualified company provided under subsection 7 of  
4 section 620.809;

5 [(13)] (14) "Notice of intent", a form developed by [the  
6 department, completed by the qualified company,] and submitted to  
7 the department that states the qualified company's intent to  
8 request benefits under this program;

9 [(14)] (15) "Project facility", the building or buildings  
10 used by a qualified company at which new or retained jobs and any  
11 new capital investment are or will be located. A project  
12 facility may include separate buildings located within sixty  
13 miles of each other such that their purpose and operations are  
14 interrelated, provided that, if the buildings making up the  
15 project facility are not located within the same county, the  
16 average wage of the new payroll must exceed the applicable  
17 percentage of the highest county average wage among the counties  
18 in which the buildings are located. Upon approval by the  
19 department, a subsequent project facility may be designated if  
20 the qualified company demonstrates a need to relocate to the  
21 subsequent project facility at any time during the project  
22 period;

23 [(15)] (16) "Project facility base employment", the greater  
24 of the number of full-time employees located at the project  
25 facility on the date of the notice of intent or, for the  
26 twelve-month period prior to the date of the notice of intent,  
27 the average number of full-time employees located at the project  
28 facility. In the event the project facility has not been in

1 operation for a full twelve-month period, the average number of  
2 full-time employees for the number of months the project facility  
3 has been in operation prior to the date of the notice of intent;

4 [(16)] (17) "Qualified company", a firm, partnership, joint  
5 venture, association, private or public corporation whether  
6 organized for profit or not, or headquarters of such entity  
7 registered to do business in Missouri that is the owner or  
8 operator of a project facility, offers health insurance to all  
9 full-time employees of all facilities located in this state, and  
10 pays at least fifty percent of such insurance premiums. For the  
11 purposes of sections 620.800 to 620.809, the term "qualified  
12 company" shall not mean:

13 (a) Gambling establishments (NAICS industry group 7132);

14 (b) Retail trade establishments (NAICS sectors 44 and 45),  
15 except with respect to any company headquartered in this state  
16 with a majority of its full-time employees engaged in operations  
17 not within the NAICS codes specified in this subdivision;

18 (c) Food services and drinking places (NAICS subsector  
19 722);

20 (d) Public utilities (NAICS 221 including water and sewer  
21 services);

22 (e) Any company that is delinquent in the payment of any  
23 nonprotested taxes or any other amounts due the state or federal  
24 government or any other political subdivision of this state;

25 (f) Any company requesting benefits for retained jobs that  
26 has filed for or has publicly announced its intention to file for  
27 bankruptcy protection. However, a company that has filed for or  
28 has publicly announced its intention to file for bankruptcy may

1 be a qualified company provided that such company:

2 a. Certifies to the department that it plans to reorganize  
3 and not to liquidate; and

4 b. After its bankruptcy petition has been filed, it  
5 produces proof, in a form and at times satisfactory to the  
6 department, that it is not delinquent in filing any tax returns  
7 or making any payment due to the state of Missouri, including but  
8 not limited to all tax payments due after the filing of the  
9 bankruptcy petition and under the terms of the plan of  
10 reorganization;

11 (g) Educational services (NAICS sector 61);

12 (h) Religious organizations (NAICS industry group 8131);

13 (i) Public administration (NAICS sector 92);

14 (j) Ethanol distillation or production; or

15 (k) Biodiesel production.

16  
17 Notwithstanding any provision of this section to the contrary,  
18 the headquarters, administrative offices, or research and  
19 development facilities of an otherwise excluded business may  
20 qualify for benefits if the offices or facilities serve a  
21 multistate territory. In the event a national, state, or  
22 regional headquarters operation is not the predominant activity  
23 of a project facility, the jobs and investment of such operation  
24 shall be considered eligible for benefits under this section if  
25 the other requirements are satisfied;

26 [(17)] (18) "Related company":

27 (a) A corporation, partnership, trust, or association  
28 controlled by the qualified company;

1 (b) An individual, corporation, partnership, trust, or  
2 association in control of the qualified company; or

3 (c) Corporations, partnerships, trusts, or associations  
4 controlled by an individual, corporation, partnership, trust, or  
5 association in control of the qualified company. As used in this  
6 subdivision, "control of a corporation" shall mean ownership,  
7 directly or indirectly, of stock possessing at least fifty  
8 percent of the total combined voting power of all classes of  
9 stock entitled to vote; "control of a partnership or association"  
10 shall mean ownership of at least fifty percent of the capital or  
11 profits interest in such partnership or association; "control of  
12 a trust" shall mean ownership, directly or indirectly, of at  
13 least fifty percent of the beneficial interest in the principal  
14 or income of such trust; and "ownership" shall be determined as  
15 provided in Section 318 of the Internal Revenue Code of 1986, as  
16 amended;

17 [(18)] (19) "Related facility", a facility operated by the  
18 qualified company or a related company located in this state that  
19 is directly related to the operations of the project facility or  
20 in which operations substantially similar to the operations of  
21 the project facility are performed;

22 [(19)] (20) "Related facility base employment", the greater  
23 of the number of full-time employees located at all related  
24 facilities on the date of the notice of intent or, for the  
25 twelve-month period prior to the date of the notice of intent,  
26 the average number of full-time employees located at all related  
27 facilities of the qualified company or a related company located  
28 in this state;

1            [(20)] (21) "Retained jobs", the average number of  
2 full-time employees of a qualified company located at the project  
3 facility during each month for the calendar year preceding the  
4 year in which the notice of intent is submitted;

5            [(21)] (22) "Retained jobs credit", the credit from  
6 withholding remitted by a qualified company provided under  
7 subsection 7 of section 620.809;

8            [(22)] (23) "Targeted industry", an industry or one of a  
9 cluster of industries identified by the department by rule  
10 following a strategic planning process as being critical to the  
11 state's economic security and growth;

12           [(23)] (24) "Training program", the Missouri [works  
13 training] one start program established under sections 620.800 to  
14 620.809;

15           [(24)] (25) "Training project", the project or projects  
16 established through the Missouri [works training] one start  
17 program for the creation or retention of jobs by providing  
18 education and training of workers;

19           [(25)] (26) "Training project costs", may include all  
20 necessary and incidental costs of providing program services  
21 through the training program, [including] such as:

22           (a) Training materials and supplies;

23           (b) Wages and benefits of instructors, who may or may not  
24 be employed by the eligible industry, and the cost of training  
25 such instructors;

26           (c) Subcontracted services;

27           (d) On-the-job training;

28           (e) Training facilities and equipment;



- 1 (f) Skill assessment;
- 2 (g) Training project and curriculum development;
- 3 (h) Travel directly to the training project, including a  
4 coordinated transportation program for training if the training  
5 can be more effectively provided outside the community where the  
6 jobs are to be located;
- 7 (i) Payments to third-party training providers and to the  
8 eligible industry;
- 9 (j) Teaching and assistance provided by educational  
10 institutions in the state of Missouri;
- 11 (k) In-plant training analysis, including fees for  
12 professionals and necessary travel and expenses;
- 13 (l) Assessment and preselection tools;
- 14 (m) Publicity;
- 15 (n) Instructional services;
- 16 (o) Rental of instructional facilities with necessary  
17 utilities; and
- 18 (p) Payment of the principal, premium, and interest on  
19 certificates, including capitalized interest, issued to finance a  
20 project, and the funding and maintenance of a debt service  
21 reserve fund to secure such certificates;
- 22 [(26)] (27) "Training project services", [includes] may  
23 include, but shall not be limited to, the following:
- 24 (a) Job training, which may include, but not be limited to,  
25 preemployment training, analysis of the specified training needs  
26 for a qualified company, development of training plans, and  
27 provision of training through qualified training staff;
- 28 (b) Adult basic education and job-related instruction;

- 1 (c) Vocational and skill-assessment services and testing;
- 2 (d) Training facilities, equipment, materials, and
- 3 supplies;
- 4 (e) On-the-job training;
- 5 (f) Administrative expenses [equal to fifteen percent of
- 6 the total training costs] at a reasonable amount determined by
- 7 the department;
- 8 (g) Subcontracted services with state institutions of
- 9 higher education, private colleges or universities, or other
- 10 federal, state, or local agencies;
- 11 (h) Contracted or professional services; and
- 12 (i) Issuance of certificates, when applicable.

13 620.803. 1. The department shall establish a "Missouri  
14 [Works Training] One Start Program" to assist qualified companies  
15 in the training of employees in new jobs and the retraining or  
16 upgrading of skills of full-time employees in retained jobs as  
17 provided in sections 620.800 to 620.809. The training program  
18 shall be funded through appropriations to the funds established  
19 under sections 620.806 and 620.809. The department shall, to the  
20 maximum extent practicable, prioritize funding under the training  
21 program to assist qualified companies in targeted industries.

22 2. There is hereby created the "Missouri [Works] One Start  
23 Job Training Joint Legislative Oversight Committee". The  
24 committee shall consist of three members of the Missouri senate  
25 appointed by the president pro tempore of the senate and three  
26 members of the house of representatives appointed by the speaker  
27 of the house. No more than two of the members of the senate and  
28 two of the members of the house of representatives shall be from

1 the same political party. Members of the committee shall report  
2 to the governor, the president pro tempore of the senate, and the  
3 speaker of the house of representatives on all assistance to  
4 [industries] qualified companies under the provisions of sections  
5 620.800 to 620.809 provided during the preceding fiscal year.  
6 The report of the committee shall be delivered no later than  
7 October first of each year. The director of the department shall  
8 report to the committee such information as the committee may  
9 deem necessary for its annual report. Members of the committee  
10 shall receive no compensation in addition to their salary as  
11 members of the general assembly but may receive their necessary  
12 expenses while attending the meetings of the committee, to be  
13 paid out of the joint contingent fund.

14 3. The department shall publish guidelines and may  
15 promulgate rules and regulations governing the training program.  
16 In establishing such guidelines and promulgating such rules and  
17 regulations, the department shall consider such factors as the  
18 potential number of new jobs to be created, the amount of new  
19 capital investment in new facilities and equipment, the  
20 significance of state benefits to the qualified company's  
21 decision to locate or expand in Missouri, the economic need of  
22 the affected community, and the importance of the qualified  
23 company to the economic development of the state. Any rule or  
24 portion of a rule, as that term is defined in section 536.010,  
25 that is created under the authority delegated in this section  
26 shall become effective only if it complies with and is subject to  
27 all of the provisions of chapter 536 and, if applicable, section  
28 536.028. This section and chapter 536 are nonseverable and if

1 any of the powers vested with the general assembly pursuant to  
2 chapter 536 to review, to delay the effective date, or to  
3 disapprove and annul a rule are subsequently held  
4 unconstitutional, then the grant of rulemaking authority and any  
5 rule proposed or adopted after August 28, 2013, shall be invalid  
6 and void.

7 4. The department shall make program applications and  
8 guidelines available online.

9 5. The department may contract with other entities[, not to  
10 exceed fifty thousand dollars annually,] for the purposes of  
11 advertising, marketing, or promoting the training program  
12 established in sections 620.800 to 620.809. Any assistance  
13 through the training program shall be provided under an  
14 agreement.

15 6. Prior to the authorization of any application submitted  
16 through the training program, the department shall verify the  
17 applicant's tax payment status and offset any delinquencies as  
18 provided in section 135.815.

19 7. Any [taxpayer who] qualified company that is awarded  
20 benefits under sections 620.800 to 620.809 and who files for  
21 bankruptcy under Chapter 7 of the United States Bankruptcy Code,  
22 Title 11 U.S.C., as amended, shall immediately notify the  
23 department, shall forfeit such benefits, and shall repay the  
24 state an amount equal to any state tax credits already redeemed  
25 and any withholding taxes already retained.

26 8. The department may require repayment of all benefits  
27 awarded, increased by an additional amount that shall provide the  
28 state a reasonable rate of return, to any qualified company under

1 sections 620.800 to 620.809 that fails to maintain the new or  
2 retained jobs within five years of approval of the benefits or  
3 that leaves the state within five years of approval of the  
4 benefits.

5 9. The department shall be authorized to contract with  
6 other entities, including businesses, industries, other state  
7 agencies, and political subdivisions of the state for the purpose  
8 of implementing a training project under the provisions of  
9 sections 620.800 to 620.809.

10 620.806. 1. [The Missouri job development fund, formerly  
11 established in the state treasury by section 620.478, shall now]  
12 There is hereby created in the state treasury a fund to be known  
13 as the "Missouri [Works] One Start Job Development Fund" and  
14 shall be administered by the department for the [training]  
15 purposes of the Missouri one start program. The fund shall  
16 consist of all moneys which may be appropriated to it by the  
17 general assembly and also any gifts, contributions, grants, or  
18 bequests received from federal, private or other sources,  
19 including, but not limited to, any block grant or other sources  
20 of funding relating to job training, school-to-work transition,  
21 welfare reform, vocational and technical training, housing,  
22 infrastructure, development, and human resource investment  
23 programs which may be provided by the federal government or other  
24 sources. The state treasurer shall be custodian of the fund and  
25 may approve disbursements from the fund in accordance with  
26 sections 30.170 and 30.180. Notwithstanding the provisions of  
27 section 33.080 to the contrary, any moneys remaining in the fund  
28 at the end of the biennium shall not revert to the credit of the

1 general revenue fund. The state treasurer shall invest moneys in  
2 the fund in the same manner as other funds are invested. Any  
3 interest and moneys earned on such investments shall be credited  
4 to the fund.

5 2. The department may provide financial assistance through  
6 the training program to qualified companies that create new jobs  
7 which will result in the need for training, or that make new  
8 capital investment relating directly to the retention of jobs in  
9 an amount at least five times greater than the amount of any  
10 financial assistance. Financial assistance may also be provided  
11 to a consortium of a majority of qualified companies organized to  
12 provide common training to the consortium members' employees.  
13 Funds in the Missouri [works] one start job development fund  
14 shall be appropriated, for financial assistance through the  
15 training program, by the general assembly to the department and  
16 shall be administered by a local [educational] education agency  
17 certified by the department for such purpose. Except for  
18 state-sponsored preemployment training, no qualified company  
19 shall receive more than fifty percent of its training program  
20 costs from the Missouri [works] one start job development fund.  
21 No funds shall be awarded or reimbursed to any qualified company  
22 for the training, retraining, or upgrading of skills of potential  
23 employees with the purpose of replacing or supplanting employees  
24 engaged in an authorized work stoppage. Upon approval by the  
25 department, training project costs, except the purchase of  
26 training equipment and training facilities, shall be eligible for  
27 reimbursement with funds from the Missouri [works] one start job  
28 development fund. Notwithstanding any provision of law to the

1 contrary, no qualified company within a service industry shall be  
2 eligible for assistance under this subsection unless such  
3 qualified company provides services in interstate commerce, which  
4 shall mean that the qualified company derives a majority of its  
5 annual revenues from out of the state.

6 3. [The department may provide assistance, through  
7 appropriations made from the Missouri works job development fund,  
8 to business and technology centers. Such assistance shall not  
9 include the lending of the state's credit for the payment of any  
10 liability of the fund. Such centers may be established by  
11 Missouri community colleges, or state-owned postsecondary  
12 technical colleges, to provide business and training services for  
13 growth industries as determined by current labor market  
14 information.] Upon appropriation, a local education agency may  
15 petition the department to utilize the Missouri one start job  
16 development fund in order to create or improve training  
17 facilities, training equipment, training staff, training  
18 expertise, training programming, and administration. The  
19 department shall review all petitions and may award funds from  
20 the Missouri one start job development fund for reimbursement of  
21 training project costs and training project services as it deems  
22 necessary.

23 4. The department may promulgate rules to implement the  
24 provisions of this section. Any rule or portion of a rule, as  
25 that term is defined in section 536.010 that is created under the  
26 authority delegated in this section shall become effective only  
27 if it complies with and is subject to all of the provisions of  
28 chapter 536, and, if applicable, section 536.028. This section

1 and chapter 536 are nonseverable and if any of the powers vested  
2 with the general assembly pursuant to chapter 536, to review, to  
3 delay the effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking  
5 authority and any rule proposed or adopted after August 28, 2019,  
6 shall be invalid and void.

7       620.809. 1. [The Missouri community college job training  
8 program fund, formerly established in the state treasury by  
9 section 178.896, shall now] There is hereby established in the  
10 state treasury a fund to be known as the "Missouri [Works] One  
11 Start Community College New Jobs Training Fund" [and] that shall  
12 be administered by the department for the training program. The  
13 department of revenue shall credit to the fund, as received, all  
14 new jobs credits. For existing Missouri businesses creating new  
15 jobs, the training project may include retained jobs. The fund  
16 shall also consist of any gifts, contributions, grants, or  
17 bequests received from federal, private, or other sources. The  
18 general assembly, however, shall not provide for any transfer of  
19 general revenue funds into the fund. Moneys in the fund shall be  
20 disbursed to the department under regular appropriations by the  
21 general assembly. The department shall have the discretion to  
22 determine the appropriate amount of funds to allocate per  
23 training project. The department shall disburse such  
24 appropriated funds in a timely manner into the special funds  
25 established by community college districts for training projects,  
26 which funds shall be used to pay training project costs. Such  
27 disbursements shall be made to the special fund for each training  
28 project as provided under subsection 5 of this section. All



1 moneys remaining in the fund at the end of any fiscal year shall  
2 not lapse to the general revenue fund, as provided in section  
3 33.080, but shall remain in the fund.

4 2. [The Missouri community college job retention training  
5 program fund, formerly established in the state treasury by  
6 section 178.764, shall now] There is hereby created in the state  
7 treasury a fund to be known as the "Missouri [Works] One Start  
8 Community College Job Retention Training Fund" [and] that shall  
9 be administered by the department for the Missouri [works  
10 training] one start program. The department of revenue shall  
11 credit to the fund, as received, all retained jobs credits. For  
12 existing Missouri businesses retaining jobs, the training project  
13 may include new jobs. The fund shall also consist of any gifts,  
14 contributions, grants, or bequests received from federal,  
15 private, or other sources. The general assembly, however, shall  
16 not provide for any transfer of general revenue funds into the  
17 fund. Moneys in the fund shall be disbursed to the department  
18 under regular appropriations by the general assembly. The  
19 department shall have the discretion to determine the appropriate  
20 amount of funds to allocate per training project. The department  
21 shall disburse such appropriated funds in a timely manner into  
22 the special funds established by community college districts for  
23 projects, which funds shall be used to pay training program  
24 costs, including the principal, premium, and interest on  
25 certificates issued by the district to finance or refinance, in  
26 whole or in part, a project. Such disbursements by the  
27 department shall be made to the special fund for each project as  
28 provided under subsection 5 of this section. All moneys

1 remaining in the fund at the end of any fiscal year shall not  
2 lapse to the general revenue fund, as provided in section 33.080,  
3 but shall remain in the fund.

4 3. The department of revenue shall develop such forms as  
5 are necessary to demonstrate accurately each qualified company's  
6 new jobs credit paid into the Missouri [works] one start  
7 community college new jobs training fund or retained jobs credit  
8 paid into the Missouri [works] one start community college job  
9 retention training fund. The new or retained jobs credits shall  
10 be accounted as separate from the normal withholding tax paid to  
11 the department of revenue by the qualified company.  
12 Reimbursements made by all qualified companies to the Missouri  
13 [works] one start community college new jobs training fund and  
14 the Missouri [works] one start community college job retention  
15 training fund shall be no less than all allocations made by the  
16 department to all community college districts for all projects.  
17 The qualified company shall remit the amount of the new or  
18 retained jobs credit, as applicable, to the department of revenue  
19 in the same manner as provided in sections 143.191 to 143.265.

20 4. A community college district, with the approval of the  
21 department in consultation with the office of administration, may  
22 enter into an agreement to establish a training project and  
23 provide training project services to a qualified company. As  
24 soon as possible after initial contact between a community  
25 college district and a potential qualified company regarding the  
26 possibility of entering into an agreement, the community college  
27 district shall inform the department of the potential training  
28 project. The department shall evaluate the proposed training

1 project within the overall job training efforts of the state to  
2 ensure that the training project will not duplicate other job  
3 training programs. The department shall have fourteen days from  
4 receipt of a notice of intent to approve or disapprove a training  
5 project. If no response is received by the qualified company  
6 within fourteen days, the training project shall be deemed  
7 approved. Disapproval of any training project shall be made in  
8 writing and state the reasons for such disapproval. If an  
9 agreement is entered into, the district and the qualified company  
10 shall notify the department of revenue within fifteen calendar  
11 days. In addition to any provisions required under subsection 6  
12 of this section for a qualified company applying to receive a new  
13 or retained job credit, an agreement may provide, but shall not  
14 be limited to:

15 (1) Payment of training project costs, which may be paid  
16 from one or a combination of the following sources:

17 (a) Funds appropriated by the general assembly to the  
18 Missouri [works] one start community college new jobs training  
19 program fund or Missouri [works] one start community college job  
20 retention training program fund, as applicable, and disbursed by  
21 the department for the purposes consistent with sections 620.800  
22 to 620.809;

23 (b) Funds appropriated by the general assembly from the  
24 general revenue fund and disbursed by the department for the  
25 purposes consistent with sections 620.800 to 620.809;

26 (c) Tuition, student fees, or special charges fixed by the  
27 board of trustees to defray training project costs in whole or in  
28 part;

1 (2) Payment of training project costs which shall not be  
2 deferred for a period longer than eight years;

3 (3) Costs of on-the-job training for employees which shall  
4 include wages or salaries of participating employees. Payments  
5 for on-the-job training shall not exceed the average of fifty  
6 percent of the total wages paid by the qualified company to each  
7 participant during the period of training. Payment for  
8 on-the-job training may continue for up to six months from the  
9 date the training begins;

10 (4) A provision which fixes the minimum amount of new or  
11 retained jobs credits, general revenue fund appropriations, or  
12 tuition and fee payments which shall be paid for training project  
13 costs; and

14 (5) Any payment required to be made by a qualified company.  
15 This payment shall constitute a lien upon the qualified company's  
16 business property until paid, shall have equal priority with  
17 ordinary taxes and shall not be divested by a judicial sale.  
18 Property subject to such lien may be sold for sums due and  
19 delinquent at a tax sale, with the same forfeitures, penalties,  
20 and consequences as for the nonpayment of ordinary taxes. The  
21 purchasers at a tax sale shall obtain the property subject to the  
22 remaining payments.

23 5. (1) For projects that are funded exclusively under  
24 paragraph (a) of subdivision (1) of subsection 4 of this section,  
25 the department shall disburse such funds to the special fund for  
26 each training project in the same proportion as the new jobs or  
27 retained jobs credits remitted by the qualified company  
28 participating in such project bears to the total new jobs or

1 retained jobs credits from withholding remitted by all qualified  
2 companies participating in projects during the period for which  
3 the disbursement is made.

4 (2) Subject to appropriation, for projects that are funded  
5 through a combination of funds under paragraphs (a) and (b) of  
6 subdivision (1) of subsection 4 of this section, the department  
7 shall disburse funds appropriated under paragraph (b) of  
8 subdivision (1) of subsection 4 of this section to the special  
9 fund for each training project upon commencement of the project.  
10 The department shall disburse funds appropriated under paragraph  
11 (a) of subdivision (1) of subsection 4 of this section to the  
12 special fund for each training project in the same proportion as  
13 the new jobs or retained jobs credits remitted by the qualified  
14 company participating in such project bears to the total new jobs  
15 or retained jobs credits from withholding remitted by all  
16 qualified companies participating in projects during the period  
17 for which the disbursement is made, reduced by the amount of  
18 funds appropriated under paragraph (b) of subdivision (1) of  
19 subsection 4 of this section.

20 6. Any qualified company that submits a notice of intent  
21 for retained job credits shall enter into an agreement, providing  
22 that the qualified company has:

23 (1) Maintained at least one hundred full-time employees per  
24 year at the project facility for the calendar year preceding the  
25 year in which the application is made; and

26 (2) **[Retained,** at the project facility, the same number of  
27 employees that existed in the taxable year immediately preceding  
28 the year in which application is made; and

1           (3)] Made or agrees to make a new capital investment of  
2 greater than five times the amount of any award under this  
3 training program at the project facility over a period of two  
4 consecutive [calendar] years, as certified by the qualified  
5 company and:

6           (a) Has made substantial investment in new technology  
7 requiring the upgrading of employee skills; or

8           (b) Is located in a border county of the state and  
9 represents a potential risk of relocation from the state; or

10           (c) Has been determined to represent a substantial risk of  
11 relocation from the state by the director of the department of  
12 economic development.

13           7. If an agreement provides that all or part of the  
14 training program costs are to be met by receipt of new or  
15 retained jobs credit, such new or retained jobs credit from  
16 withholding shall be determined and paid as follows:

17           (1) New or retained jobs credit shall be based upon the  
18 wages paid to the employees in the new or retained jobs;

19           (2) A portion of the total payments made by the qualified  
20 companies under sections 143.191 to 143.265 shall be designated  
21 as the new or retained jobs credit from withholding. Such  
22 portion shall be an amount equal to two and one-half percent of  
23 the gross wages paid by the qualified company for each of the  
24 first one hundred jobs included in the project and one and  
25 one-half percent of the gross wages paid by the qualified company  
26 for each of the remaining jobs included in the project. If  
27 business or employment conditions cause the amount of the new or  
28 retained jobs credit from withholding to be less than the amount

1 projected in the agreement for any time period, then other  
2 withholding tax paid by the qualified company under sections  
3 143.191 to 143.265 shall be credited to the applicable fund by  
4 the amount of such difference. The qualified company shall remit  
5 the amount of the new or retained jobs credit to the department  
6 of revenue in the manner prescribed in sections 143.191 to  
7 143.265. When all training program costs have been paid, the new  
8 or retained jobs credits shall cease;

9 (3) The community college district participating in a  
10 project shall establish a special fund for and in the name of the  
11 training project. All funds appropriated by the general assembly  
12 from the funds established under subsections 1 and 2 of this  
13 section and disbursed by the department for the training project  
14 and other amounts received by the district for training project  
15 costs as required by the agreement shall be deposited in the  
16 special fund. Amounts held in the special fund shall be used and  
17 disbursed by the district only to pay training project costs for  
18 such training project. The special fund may be divided into such  
19 accounts and subaccounts as shall be provided in the agreement,  
20 and amounts held therein may be invested in the same manner as  
21 the district's other funds;

22 (4) Any disbursement for training project costs received  
23 from the department under sections 620.800 to 620.809 and  
24 deposited into the training project's special fund may be  
25 irrevocably pledged by a community college district for the  
26 payment of the principal, premium, and interest on the  
27 certificate issued by a community college district to finance or  
28 refinance, in whole or in part, such training project;

1           (5) The qualified company shall certify to the department  
2 of revenue that the new or retained jobs credit is in accordance  
3 with an agreement and shall provide other information the  
4 department of revenue may require;

5           (6) An employee participating in a training project shall  
6 receive full credit under section 143.211 for the amount  
7 designated as a new or retained jobs credit;

8           (7) If an agreement provides that all or part of training  
9 program costs are to be met by receipt of new or retained jobs  
10 credit, the provisions of this subsection shall also apply to any  
11 successor to the original qualified company until the principal  
12 and interest on the certificates have been paid.

13           8. To provide funds for the present payment of the training  
14 project costs of new or retained jobs training project through  
15 the training program, a community college district may borrow  
16 money and issue and sell certificates payable from a sufficient  
17 portion of the future receipts of payments authorized by the  
18 agreement including disbursements from the Missouri **[works]** one  
19 start community college new jobs training fund or the Missouri  
20 **[works]** one start community college job retention training fund,  
21 to the special fund established by the community college district  
22 for each project. The total amount of outstanding certificates  
23 sold by all community college districts shall not exceed the  
24 total amount authorized under law as of January 1, 2013, unless  
25 an increased amount is authorized in writing by a majority of  
26 members of the committee. The certificates shall be marketed  
27 through financial institutions authorized to do business in  
28 Missouri. The receipts shall be pledged to the payment of



1 principal of and interest on the certificates. Certificates may  
2 be sold at public sale or at private sale at par, premium, or  
3 discount of not less than ninety-five percent of the par value  
4 thereof, at the discretion of the board of trustees, and may bear  
5 interest at such rate or rates as the board of trustees shall  
6 determine, notwithstanding the provisions of section 108.170 to  
7 the contrary. However, the provisions of chapter 176 shall not  
8 apply to the issuance of such certificates. Certificates may be  
9 issued with respect to a single project or multiple projects and  
10 may contain terms or conditions as the board of trustees may  
11 provide by resolution authorizing the issuance of the  
12 certificates.

13 9. Certificates issued to refund other certificates may be  
14 sold at public sale or at private sale as provided in this  
15 section, with the proceeds from the sale to be used for the  
16 payment of the certificates being refunded. The refunding  
17 certificates may be exchanged in payment and discharge of the  
18 certificates being refunded, in installments at different times  
19 or an entire issue or series at one time. Refunding certificates  
20 may be sold or exchanged at any time on, before, or after the  
21 maturity of the outstanding certificates to be refunded. They  
22 may be issued for the purpose of refunding a like, greater, or  
23 lesser principal amount of certificates and may bear a rate of  
24 interest that is higher, lower, or equivalent to that of the  
25 certificates being renewed or refunded.

26 10. Before certificates are issued, the board of trustees  
27 shall publish once a notice of its intention to issue the  
28 certificates, stating the amount, the purpose, and the project or

1 projects for which the certificates are to be issued. A person  
2 with standing may, within fifteen days after the publication of  
3 the notice, by action in the circuit court of a county in the  
4 district, appeal the decision of the board of trustees to issue  
5 the certificates. The action of the board of trustees in  
6 determining to issue the certificates shall be final and  
7 conclusive unless the circuit court finds that the board of  
8 trustees has exceeded its legal authority. An action shall not  
9 be brought which questions the legality of the certificates, the  
10 power of the board of trustees to issue the certificates, the  
11 effectiveness of any proceedings relating to the authorization of  
12 the project, or the authorization and issuance of the  
13 certificates from and after fifteen days from the publication of  
14 the notice of intention to issue.

15 11. The board of trustees shall make a finding based on  
16 information supplied by the qualified company that revenues  
17 provided in the agreement are sufficient to secure the faithful  
18 performance of obligations in the agreement.

19 12. Certificates issued under this section shall not be  
20 deemed to be an indebtedness of the state, the community college  
21 district, or any other political subdivision of the state, and  
22 the principal and interest on any certificates shall be payable  
23 only from the sources provided in subdivision (1) of subsection 4  
24 of this section which are pledged in the agreement.

25 13. Pursuant to section 23.253 of the Missouri sunset act:

26 (1) The program authorized under sections 620.800 to  
27 620.809 shall be reauthorized as of August 28, 2018, and shall  
28 expire on August 28, 2030; and

1 (2) If such program is reauthorized, the program authorized  
2 under sections 620.800 to 620.809 shall automatically sunset  
3 twelve years after the effective date of the reauthorization of  
4 sections 620.800 to 620.809; and

5 (3) Sections 620.800 to 620.809 shall terminate on  
6 September first of the calendar year immediately following the  
7 calendar year in which a program authorized under sections  
8 620.800 to 620.809 is sunset.

9 14. Any agreement or obligation entered into by the  
10 department that was made under the provisions of sections 620.800  
11 to 620.809 prior to the effective date of this section shall  
12 remain in effect according to the provisions of such agreement or  
13 obligation.

14 620.2005. As used in sections 620.2000 to 620.2020, the  
15 following terms mean:

16 (1) "Average wage", the new payroll divided by the number  
17 of new jobs, or the payroll of the retained jobs divided by the  
18 number of retained jobs;

19 (2) "Commencement of operations", the starting date for the  
20 qualified company's first new employee, which shall be no later  
21 than twelve months from the date of the approval;

22 (3) "County average wage", the average wages in each county  
23 as determined by the department for the most recently completed  
24 full calendar year. However, if the computed county average wage  
25 is above the statewide average wage, the statewide average wage  
26 shall be deemed the county average wage for such county for the  
27 purpose of determining eligibility. The department shall publish  
28 the county average wage for each county at least annually.

1 Notwithstanding the provisions of this subdivision to the  
2 contrary, for any qualified company that in conjunction with  
3 their project is relocating employees from a Missouri county with  
4 a higher county average wage, the company shall obtain the  
5 endorsement of the governing body of the community from which  
6 jobs are being relocated or the county average wage for their  
7 project shall be the county average wage for the county from  
8 which the employees are being relocated;

9 (4) "Department", the Missouri department of economic  
10 development;

11 (5) "Director", the director of the department of economic  
12 development;

13 (6) "Employee", a person employed by a qualified company,  
14 excluding:

15 (a) Owners of the qualified company unless the qualified  
16 company is participating in an employee stock ownership plan; or

17 (b) Owners of a noncontrolling interest in stock of a  
18 qualified company that is publicly traded;

19 (7) "Existing Missouri business", a qualified company that,  
20 for the ten-year period preceding submission of a notice of  
21 intent to the department, had a physical location in Missouri and  
22 full-time employees who routinely perform job duties within  
23 Missouri;

24 (8) "Full-time employee", an employee of the qualified  
25 company that is scheduled to work an average of at least  
26 thirty-five hours per week for a twelve-month period, and one for  
27 which the qualified company offers health insurance and pays at  
28 least fifty percent of such insurance premiums. An employee that

1 spends less than fifty percent of the employee's work time at the  
2 facility shall be considered to be located at a facility if the  
3 employee receives his or her directions and control from that  
4 facility, is on the facility's payroll, one hundred percent of  
5 the employee's income from such employment is Missouri income,  
6 and the employee is paid at or above the applicable percentage of  
7 the county average wage;

8 (9) "Infrastructure projects", highways, roads, streets,  
9 bridges, sewers, traffic control systems and devices, water  
10 distribution and supply systems, curbing, sidewalks, storm water  
11 and drainage systems, broadband internet infrastructure, and any  
12 other similar public improvements, but in no case shall  
13 infrastructure projects include private structures;

14 (10) "Local incentives", the present value of the dollar  
15 amount of direct benefit received by a qualified company for a  
16 project facility from one or more local political subdivisions,  
17 but this term shall not include loans or other funds provided to  
18 the qualified company that shall be repaid by the qualified  
19 company to the political subdivision;

20 [(10)] (11) "NAICS" or "NAICS industry classification", the  
21 classification provided by the most recent edition of the North  
22 American Industry Classification System as prepared by the  
23 Executive Office of the President, Office of Management and  
24 Budget;

25 [(11)] (12) "New capital investment", shall include costs  
26 incurred by the qualified company at the project facility after  
27 acceptance by the qualified company of the proposal for benefits  
28 from the department or the approval notice of intent, whichever

1 occurs first, for real or personal property, and may include the  
2 value of finance or capital leases for real or personal property  
3 for the term of such lease at the project facility executed after  
4 acceptance by the qualified company of the proposal for benefits  
5 from the department or the approval of the notice of intent;

6 [(12)] (13) "New direct local revenue", the present value  
7 of the dollar amount of direct net new tax revenues of the local  
8 political subdivisions likely to be produced by the project over  
9 a ten-year period as calculated by the department, excluding  
10 local earnings tax, and net new utility revenues, provided the  
11 local incentives include a discount or other direct incentives  
12 from utilities owned or operated by the political subdivision;

13 [(13)] (14) "New job", the number of full-time employees  
14 located at the project facility that exceeds the project facility  
15 base employment less any decrease in the number of full-time  
16 employees at related facilities below the related facility base  
17 employment. No job that was created prior to the date of the  
18 notice of intent shall be deemed a new job;

19 [(14)] (15) "New payroll", the amount of wages paid for all  
20 new jobs, located at the project facility during the qualified  
21 company's tax year that exceeds the project facility base  
22 payroll;

23 [(15)] (16) "Notice of intent", a form developed by the  
24 department and available online, completed by the qualified  
25 company, and submitted to the department stating the qualified  
26 company's intent to request benefits under this program;

27 [(16)] (17) "Percent of local incentives", the amount of  
28 local incentives divided by the amount of new direct local

1 revenue;

2 [(17)] (18) "Program", the Missouri works program  
3 established in sections 620.2000 to 620.2020;

4 [(18)] (19) "Project facility", the building or buildings  
5 used by a qualified company at which new or retained jobs and any  
6 new capital investment are or will be located. A project  
7 facility may include separate buildings located within sixty  
8 miles of each other such that their purpose and operations are  
9 interrelated; provided that where the buildings making up the  
10 project facility are not located within the same county, the  
11 average wage of the new payroll shall exceed the applicable  
12 percentage of the highest county average wage among the counties  
13 in which the buildings are located. Upon approval by the  
14 department, a subsequent project facility may be designated if  
15 the qualified company demonstrates a need to relocate to the  
16 subsequent project facility at any time during the project  
17 period;

18 [(19)] (20) "Project facility base employment", the greater  
19 of the number of full-time employees located at the project  
20 facility on the date of the notice of intent or, for the  
21 twelve-month period prior to the date of the notice of intent,  
22 the average number of full-time employees located at the project  
23 facility. In the event the project facility has not been in  
24 operation for a full twelve-month period, the average number of  
25 full-time employees for the number of months the project facility  
26 has been in operation prior to the date of the notice of intent;

27 [(20)] (21) "Project facility base payroll", the annualized  
28 payroll for the project facility base employment or the total

1 amount of wages paid by the qualified company to full-time  
2 employees of the qualified company located at the project  
3 facility in the twelve months prior to the notice of intent. For  
4 purposes of calculating the benefits under this program, the  
5 amount of base payroll shall increase each year based on an  
6 appropriate measure, as determined by the department;

7 [(21)] (22) "Project period", the time period within which  
8 benefits are awarded to a qualified company or within which the  
9 qualified company is obligated to perform under an agreement with  
10 the department, whichever is greater;

11 [(22)] (23) "Projected net fiscal benefit", the total  
12 fiscal benefit to the state less any state benefits offered to  
13 the qualified company, as determined by the department;

14 [(23)] (24) "Qualified company", a firm, partnership, joint  
15 venture, association, private or public corporation whether  
16 organized for profit or not, or headquarters of such entity  
17 registered to do business in Missouri that is the owner or  
18 operator of a project facility, certifies that it offers health  
19 insurance to all full-time employees of all facilities located in  
20 this state, and certifies that it pays at least fifty percent of  
21 such insurance premiums. For the purposes of sections 620.2000  
22 to 620.2020, the term "qualified company" shall not include:

23 (a) Gambling establishments (NAICS industry group 7132);

24 (b) Store front consumer-based retail trade establishments  
25 (under NAICS sectors 44 and 45), except with respect to any  
26 company headquartered in this state with a majority of its  
27 full-time employees engaged in operations not within the NAICS  
28 codes specified in this subdivision;



1 (c) Food and drinking places (NAICS subsector 722);

2 (d) Public utilities (NAICS 221 including water and sewer  
3 services);

4 (e) Any company that is delinquent in the payment of any  
5 nonprotested taxes or any other amounts due the state or federal  
6 government or any other political subdivision of this state;

7 (f) Any company requesting benefits for retained jobs that  
8 has filed for or has publicly announced its intention to file for  
9 bankruptcy protection. However, a company that has filed for or  
10 has publicly announced its intention to file for bankruptcy may  
11 be a qualified company provided that such company:

12 a. Certifies to the department that it plans to reorganize  
13 and not to liquidate; and

14 b. After its bankruptcy petition has been filed, it  
15 produces proof, in a form and at times satisfactory to the  
16 department, that it is not delinquent in filing any tax returns  
17 or making any payment due to the state of Missouri, including but  
18 not limited to all tax payments due after the filing of the  
19 bankruptcy petition and under the terms of the plan of  
20 reorganization. Any taxpayer who is awarded benefits under this  
21 subsection and who files for bankruptcy under Chapter 7 of the  
22 United States Bankruptcy Code, Title 11 U.S.C., shall immediately  
23 notify the department and shall forfeit such benefits and shall  
24 repay the state an amount equal to any state tax credits already  
25 redeemed and any withholding taxes already retained;

26 (g) Educational services (NAICS sector 61);

27 (h) Religious organizations (NAICS industry group 8131);

28 (i) Public administration (NAICS sector 92);

- 1 (j) Ethanol distillation or production;
- 2 (k) Biodiesel production; or
- 3 (l) Health care and social services (NAICS sector 62).

4  
5 Notwithstanding any provision of this section to the contrary,  
6 the headquarters, administrative offices, or research and  
7 development facilities of an otherwise excluded business may  
8 qualify for benefits if the offices or facilities serve a  
9 multistate territory. In the event a national, state, or  
10 regional headquarters operation is not the predominant activity  
11 of a project facility, the jobs and investment of such operation  
12 shall be considered eligible for benefits under this section if  
13 the other requirements are satisfied;

14 [(24)] (25) "Related company", shall mean:

15 (a) A corporation, partnership, trust, or association  
16 controlled by the qualified company;

17 (b) An individual, corporation, partnership, trust, or  
18 association in control of the qualified company; or

19 (c) Corporations, partnerships, trusts or associations  
20 controlled by an individual, corporation, partnership, trust, or  
21 association in control of the qualified company. As used in this  
22 paragraph, "control of a qualified company" shall mean:

23 a. Ownership, directly or indirectly, of stock possessing  
24 at least fifty percent of the total combined voting power of all  
25 classes of stock entitled to vote in the case of a qualified  
26 company that is a corporation;

27 b. Ownership of at least fifty percent of the capital or  
28 profits interest in such qualified company if it is a partnership

1 or association;

2 c. Ownership, directly or indirectly, of at least fifty  
3 percent of the beneficial interest in the principal or income of  
4 such qualified company if it is a trust, and ownership shall be  
5 determined as provided in Section 318 of the Internal Revenue  
6 Code of 1986, as amended;

7 [(25)] (26) "Related facility", a facility operated by the  
8 qualified company or a related company located in this state that  
9 is directly related to the operations of the project facility or  
10 in which operations substantially similar to the operations of  
11 the project facility are performed;

12 [(26)] (27) "Related facility base employment", the greater  
13 of the number of full-time employees located at all related  
14 facilities on the date of the notice of intent or, for the  
15 twelve-month period prior to the date of the notice of intent,  
16 the average number of full-time employees located at all related  
17 facilities of the qualified company or a related company located  
18 in this state;

19 [(27)] (28) "Related facility base payroll", the annualized  
20 payroll of the related facility base payroll or the total amount  
21 of taxable wages paid by the qualified company to full-time  
22 employees of the qualified company located at a related facility  
23 in the twelve months prior to the filing of the notice of intent.  
24 For purposes of calculating the benefits under this program, the  
25 amount of related facility base payroll shall increase each year  
26 based on an appropriate measure, as determined by the department;

27 [(28)] (29) "Rural area", a county in Missouri with a  
28 population less than seventy-five thousand or that does not

1 contain an individual city with a population greater than fifty  
2 thousand according to the most recent federal decennial census;

3 ~~[(29)]~~ (30) "Tax credits", tax credits issued by the  
4 department to offset the state taxes imposed by chapters 143 and  
5 148, or which may be sold or refunded as provided for in this  
6 program;

7 ~~[(30)]~~ (31) "Withholding tax", the state tax imposed by  
8 sections 143.191 to 143.265. For purposes of this program, the  
9 withholding tax shall be computed using a schedule as determined  
10 by the department based on average wages; and

11 ~~[(31)]~~ (32) This section is subject to the provisions of  
12 section 196.1127.

13 620.2010. 1. In exchange for the consideration provided by  
14 the new tax revenues and other economic stimuli that will be  
15 generated by the new jobs created, a qualified company may, for a  
16 period of five years from the date the new jobs are created, or  
17 for a period of six years from the date the new jobs are created  
18 if the qualified company is an existing Missouri business, retain  
19 an amount equal to the withholding tax as calculated under  
20 subdivision (30) of section 620.2005 from the new jobs that would  
21 otherwise be withheld and remitted by the qualified company under  
22 the provisions of sections 143.191 to 143.265 if:

23 (1) The qualified company creates ten or more new jobs, and  
24 the average wage of the new payroll equals or exceeds ninety  
25 percent of the county average wage;

26 (2) The qualified company creates two or more new jobs at a  
27 project facility located in a rural area, the average wage of the  
28 new payroll equals or exceeds ninety percent of the county

1 average wage, and the qualified company commits to making at  
2 least one hundred thousand dollars of new capital investment at  
3 the project facility within two years; or

4 (3) The qualified company creates two or more new jobs at a  
5 project facility located within a zone designated under sections  
6 135.950 to 135.963, the average wage of the new payroll equals or  
7 exceeds eighty percent of the county average wage, and the  
8 qualified company commits to making at least one hundred thousand  
9 dollars in new capital investment at the project facility within  
10 two years of approval.

11 2. In addition to any benefits available under subsection 1  
12 of this section, the department may award a qualified company  
13 that satisfies subdivision (1) of subsection 1 of this section  
14 additional tax credits, issued each year for a period of five  
15 years from the date the new jobs are created, or for a period of  
16 six years from the date the new jobs are created if the qualified  
17 company is an existing Missouri business, in an amount equal to  
18 or less than six percent of new payroll; provided that in no  
19 event may the total amount of benefits awarded to a qualified  
20 company under this section exceed nine percent of new payroll in  
21 any calendar year. The amount of tax credits awarded to a  
22 qualified company under this subsection shall not exceed the  
23 projected net fiscal benefit to the state, as determined by the  
24 department, and shall not exceed the least amount necessary to  
25 obtain the qualified company's commitment to initiate the  
26 project. In determining the amount of tax credits to award to a  
27 qualified company under this subsection, the department shall  
28 consider the following factors:

1           (1) The significance of the qualified company's need for  
2 program benefits;

3           (2) The amount of projected net fiscal benefit to the state  
4 of the project and the period in which the state would realize  
5 such net fiscal benefit;

6           (3) The overall size and quality of the proposed project,  
7 including the number of new jobs, new capital investment,  
8 proposed wages, growth potential of the qualified company, the  
9 potential multiplier effect of the project, and similar factors;

10          (4) The financial stability and creditworthiness of the  
11 qualified company;

12          (5) The level of economic distress in the area;

13          (6) An evaluation of the competitiveness of alternative  
14 locations for the project facility, as applicable; and

15          (7) The percent of local incentives committed.

16          3. Upon approval of a notice of intent to receive tax  
17 credits under subsections 2 [and], 5, or 6 of this section, the  
18 department and the qualified company shall enter into a written  
19 agreement covering the applicable project period. The agreement  
20 shall specify, at a minimum:

21           (1) The committed number of new jobs, new payroll, and new  
22 capital investment for each year during the project period;

23           (2) The date or time period during which the tax credits  
24 shall be issued, which may be immediately or over a period not to  
25 exceed two years from the date of approval of the notice of  
26 intent;

27           (3) Clawback provisions, as may be required by the  
28 department; [and]

1           (4) Financial guarantee provisions, as may be required by  
2 the department, provided that financial guarantee provisions  
3 shall be required by the department for tax credits awarded under  
4 subsection 6 of this section; and

5           (5) Any other provisions the department may require.

6           4. In lieu of the benefits available under sections 1 and 2  
7 of this section, and in exchange for the consideration provided  
8 by the new tax revenues and other economic stimuli that will be  
9 generated by the new jobs created by the program, a qualified  
10 company may, for a period of five years from the date the new  
11 jobs are created, or for a period of six years from the date the  
12 new jobs are created if the qualified company is an existing  
13 Missouri business, retain an amount equal to the withholding tax  
14 as calculated under subdivision (30) of section 620.2005 from the  
15 new jobs that would otherwise be withheld and remitted by the  
16 qualified company under the provisions of sections 143.191 to  
17 143.265 equal to:

18           (1) Six percent of new payroll for a period of five years  
19 from the date the required number of new jobs were created if the  
20 qualified company creates one hundred or more new jobs and the  
21 average wage of the new payroll equals or exceeds one hundred  
22 twenty percent of the county average wage of the county in which  
23 the project facility is located; or

24           (2) Seven percent of new payroll for a period of five years  
25 from the date the required number of jobs were created if the  
26 qualified company creates one hundred or more new jobs and the  
27 average wage of the new payroll equals or exceeds one hundred  
28 forty percent of the county average wage of the county in which

1 the project facility is located.

2

3 The department shall issue a refundable tax credit for any  
4 difference between the amount of benefit allowed under this  
5 subsection and the amount of withholding tax retained by the  
6 company, in the event the withholding tax is not sufficient to  
7 provide the entire amount of benefit due to the qualified company  
8 under this subsection.

9 5. In addition to the benefits available under subsection 4  
10 of this section, the department may award a qualified company  
11 that satisfies the provisions of subsection 4 of this section  
12 additional tax credits, issued each year for a period of five  
13 years from the date the new jobs are created, or for a period of  
14 six years from the date the new jobs are created if the qualified  
15 company is an existing Missouri business, in an amount equal to  
16 or less than three percent of new payroll; provided that in no  
17 event may the total amount of benefits awarded to a qualified  
18 company under this section exceed nine percent of new payroll in  
19 any calendar year. The amount of tax credits awarded to a  
20 qualified company under this subsection shall not exceed the  
21 projected net fiscal benefit to the state, as determined by the  
22 department, and shall not exceed the least amount necessary to  
23 obtain the qualified company's commitment to initiate the  
24 project. In determining the amount of tax credits to award to a  
25 qualified company under this subsection, the department shall  
26 consider the factors provided under subsection 2 of this section.

27 6. In lieu of the benefits available under subsections 1,  
28 2, 4, and 5 of this section, and in exchange for the



1 consideration provided by the new tax revenues and other economic  
2 stimuli that will be generated by the new jobs and new capital  
3 investment created by the program, the department may award a  
4 qualified company that satisfies the provisions of subdivision  
5 (1) of subsection 1 of this section tax credits, issued within  
6 one year following the qualified company's acceptance of the  
7 department's proposal for benefits, in an amount equal to or less  
8 than nine percent of new payroll. The amount of tax credits  
9 awarded to a qualified company under this subsection shall not  
10 exceed the projected net fiscal benefit to the state, as  
11 determined by the department, and shall not exceed the least  
12 amount necessary to obtain the qualified company's commitment to  
13 initiate the project. In determining the amount of tax credits  
14 to award to a qualified company under this subsection, the  
15 department shall consider the factors provided under subsection 2  
16 of this section and the qualified company's commitment to new  
17 capital investment and new job creation within the state for a  
18 period of not less than ten years. For the purposes of this  
19 subsection, each qualified company shall have an average wage of  
20 the new payroll that equals or exceeds one hundred percent of the  
21 county average wage.

22 7. No benefits shall be available under this section for  
23 any qualified company that has performed significant,  
24 project-specific site work at the project facility, purchased  
25 machinery or equipment related to the project, or has publicly  
26 announced its intention to make new capital investment at the  
27 project facility prior to receipt of a proposal for benefits  
28 under this section or approval of its notice of intent, whichever

1 occurs first.

2 620.2020. 1. The department shall respond to a written  
3 request, by or on behalf of a qualified company, for a proposed  
4 benefit award under the provisions of this program within five  
5 business days of receipt of such request. Such response shall  
6 contain either a proposal of benefits for the qualified company,  
7 or a written response refusing to provide such a proposal and  
8 stating the reasons for such refusal. A qualified company that  
9 intends to seek benefits under the program shall submit to the  
10 department a notice of intent. The department shall respond  
11 within thirty days to a notice of intent with an approval or a  
12 rejection, provided that the department may withhold approval or  
13 provide a contingent approval until it is satisfied that proper  
14 documentation of eligibility has been provided. Failure to  
15 respond on behalf of the department shall result in the notice of  
16 intent being deemed approved. A qualified company receiving  
17 approval for program benefits may receive additional benefits for  
18 subsequent new jobs at the same facility after the full initial  
19 project period if the applicable minimum job requirements are  
20 met. There shall be no limit on the number of project periods a  
21 qualified company may participate in the program, and a qualified  
22 company may elect to file a notice of intent to begin a new  
23 project period concurrent with an existing project period if the  
24 applicable minimum job requirements are achieved, the qualified  
25 company provides the department with the required annual  
26 reporting, and the qualified company is in compliance with this  
27 program and any other state programs in which the qualified  
28 company is currently or has previously participated. However,

1 the qualified company shall not receive any further program  
2 benefits under the original approval for any new jobs created  
3 after the date of the new notice of intent, and any jobs created  
4 before the new notice of intent shall not be included as new jobs  
5 for purposes of the benefit calculation for the new approval.  
6 When a qualified company has filed and received approval of a  
7 notice of intent and subsequently files another notice of intent,  
8 the department shall apply the definition of project facility  
9 under subdivision (18) of section 620.2005 to the new notice of  
10 intent as well as all previously approved notices of intent and  
11 shall determine the application of the definitions of new job,  
12 new payroll, project facility base employment, and project  
13 facility base payroll accordingly.

14 2. Notwithstanding any provision of law to the contrary,  
15 the benefits available to the qualified company under any other  
16 state programs for which the company is eligible and which  
17 utilize withholding tax from the new or retained jobs of the  
18 company shall first be credited to the other state program before  
19 the withholding retention level applicable under this program  
20 will begin to accrue. If any qualified company also participates  
21 in a job training program utilizing withholding tax, the company  
22 shall retain no withholding tax under this program, but the  
23 department shall issue a refundable tax credit for the full  
24 amount of benefit allowed under this program. The calendar year  
25 annual maximum amount of tax credits which may be issued to a  
26 qualifying company that also participates in a job training  
27 program shall be increased by an amount equivalent to the  
28 withholding tax retained by that company under a jobs training

1 program.

2 3. A qualified company receiving benefits under this  
3 program shall provide an annual report of the number of jobs and  
4 such other information as may be required by the department to  
5 document the basis for program benefits available no later than  
6 ninety days prior to the end of the qualified company's tax year  
7 immediately following the tax year for which the benefits  
8 provided under the program are attributed. In such annual  
9 report, if the average wage is below the applicable percentage of  
10 the county average wage, the qualified company has not maintained  
11 the employee insurance as required, or if the number of jobs is  
12 below the number required, the qualified company shall not  
13 receive tax credits or retain the withholding tax for the balance  
14 of the project period. Failure to timely file the annual report  
15 required under this section shall result in the forfeiture of tax  
16 credits attributable to the year for which the reporting was  
17 required and a recapture of withholding taxes retained by the  
18 qualified company during such year.

19 4. The department may withhold the approval of any benefits  
20 under this program until it is satisfied that proper  
21 documentation has been provided, and shall reduce the benefits to  
22 reflect any reduction in full-time employees or payroll. Upon  
23 approval by the department, the qualified company may begin the  
24 retention of the withholding taxes when it reaches the required  
25 number of jobs and the average wage meets or exceeds the  
26 applicable percentage of county average wage. Tax credits, if  
27 any, may be issued upon satisfaction by the department that the  
28 qualified company has exceeded the applicable percentage of

1 county average wage and the required number of jobs, provided  
2 that tax credits awarded under subsection 6 of section 620.2010  
3 may be issued following the qualified company's acceptance of the  
4 department's proposal and pursuant to the requirements set forth  
5 in the written agreement between the department and the qualified  
6 company under subsection 3 of section 620.2010.

7 5. Any qualified company approved for benefits under this  
8 program shall provide to the department, upon request, any and  
9 all information and records reasonably required to monitor  
10 compliance with program requirements. This program shall be  
11 considered a business recruitment tax credit under subdivision  
12 (4) of subsection 2 of section 135.800, and any qualified company  
13 approved for benefits under this program shall be subject to the  
14 provisions of sections 135.800 to 135.830.

15 6. Any taxpayer who is awarded benefits under this program  
16 who knowingly hires individuals who are not allowed to work  
17 legally in the United States shall immediately forfeit such  
18 benefits and shall repay the state an amount equal to any state  
19 tax credits already redeemed and any withholding taxes already  
20 retained.

21 7. (1) The maximum amount of tax credits that may be  
22 authorized under this program for any fiscal year shall be  
23 limited as follows, less the amount of any tax credits previously  
24 obligated for that fiscal year under any of the tax credit  
25 programs referenced in subsection ~~[13]~~ 14 of this section:

26 ~~[(1)]~~ (a) For the fiscal year beginning on July 1, 2013,  
27 but ending on or before June 30, 2014, no more than one hundred  
28 six million dollars in tax credits may be authorized;

1            [(2)] (b) For the fiscal year beginning on July 1, 2014,  
2 but ending on or before June 30, 2015, no more than one hundred  
3 eleven million dollars in tax credits may be authorized; [and]

4            [(3)] (c) For any fiscal year beginning on or after July 1,  
5 2015, but ending on or before June 30, 2020, no more than one  
6 hundred sixteen million dollars in tax credits may be authorized  
7 for each fiscal year; and

8            (d) For all fiscal years beginning on or after July 1,  
9 2020, no more than one hundred six million dollars in tax credits  
10 may be authorized for each fiscal year. The provisions of this  
11 paragraph shall not apply to tax credits issued to qualified  
12 companies under a notice of intent filed prior to July 1, 2020.

13            (2) For all fiscal years beginning on or after July 1,  
14 2020, in addition to the amount of tax credits that may be  
15 authorized under paragraph (d) of subdivision (1) of this  
16 subsection, an additional ten million dollars in tax credits may  
17 be authorized for each fiscal year, provided that such tax  
18 credits shall only be authorized for the purpose of the  
19 completion of infrastructure projects directly connected with the  
20 creation or retention of jobs under the provisions of sections  
21 620.2000 to 620.2020.

22            8. For all fiscal years beginning on or after July 1, 2020,  
23 the maximum total amount of withholding tax that may be  
24 authorized for retention for the creation of new jobs under the  
25 provisions of sections 620.2000 to 620.2020 by qualified  
26 companies with a project facility base employment of at least  
27 fifty shall not exceed seventy-five million dollars for each  
28 fiscal year. The provisions of this subsection shall not apply

1 to withholding tax authorized for retention for the creation of  
2 new jobs by qualified companies with a project facility base  
3 employment of less than fifty.

4 9. For tax credits for the creation of new jobs under  
5 section 620.2010, the department shall allocate the annual tax  
6 credits based on the date of the approval, reserving such tax  
7 credits based on the department's best estimate of new jobs and  
8 new payroll of the project, and any other applicable factors in  
9 determining the amount of benefits available to the qualified  
10 company under this program, provided that the department may  
11 reserve up to twenty-one and one-half percent of the maximum  
12 annual amount of tax credits that may be authorized under  
13 subsection 7 of this section for award under subsection 6 of  
14 section 620.2010. However, the annual issuance of tax credits  
15 shall be subject to annual verification of actual payroll by the  
16 department. Any authorization of tax credits shall expire if,  
17 within two years from the date of commencement of operations, or  
18 approval if applicable, the qualified company has failed to meet  
19 the applicable minimum job requirements. The qualified company  
20 may retain authorized amounts from the withholding tax under the  
21 project once the applicable minimum job requirements have been  
22 met for the duration of the project period. No benefits shall be  
23 provided under this program until the qualified company meets the  
24 applicable minimum new job requirements, or, for benefits awarded  
25 under subsection 6 of section 620.2010, until the qualified  
26 company has satisfied the requirements set forth in the written  
27 agreement between the department and the qualified company under  
28 subsection 3 of section 620.2010. In the event the qualified

1 company does not meet the applicable minimum new job  
2 requirements, the qualified company may submit a new notice of  
3 intent or the department may provide a new approval for a new  
4 project of the qualified company at the project facility or other  
5 facilities.

6 [9.] 10. Tax credits provided under this program may be  
7 claimed against taxes otherwise imposed by chapters 143 and 148,  
8 and may not be carried forward, but shall be claimed within one  
9 year of the close of the taxable year for which they were issued.  
10 Tax credits provided under this program may be transferred, sold,  
11 or assigned by filing a notarized endorsement thereof with the  
12 department that names the transferee, the amount of tax credit  
13 transferred, and the value received for the credit, as well as  
14 any other information reasonably requested by the department.  
15 For a qualified company with flow-through tax treatment to its  
16 members, partners, or shareholders, the tax credit shall be  
17 allowed to members, partners, or shareholders in proportion to  
18 their share of ownership on the last day of the qualified  
19 company's tax period.

20 [10.] 11. Prior to the issuance of tax credits or the  
21 qualified company beginning to retain withholding taxes, the  
22 department shall verify through the department of revenue and any  
23 other applicable state department that the tax credit applicant  
24 does not owe any delinquent income, sales, or use tax or interest  
25 or penalties on such taxes, or any delinquent fees or assessments  
26 levied by any state department and through the department of  
27 insurance, financial institutions and professional registration  
28 that the applicant does not owe any delinquent insurance taxes or



1 other fees. Such delinquency shall not affect the approval,  
2 except that any tax credits issued shall be first applied to the  
3 delinquency and any amount issued shall be reduced by the  
4 applicant's tax delinquency. If the department of revenue, the  
5 department of insurance, financial institutions and professional  
6 registration, or any other state department concludes that a  
7 taxpayer is delinquent after June fifteenth but before July first  
8 of any year and the application of tax credits to such  
9 delinquency causes a tax deficiency on behalf of the taxpayer to  
10 arise, then the taxpayer shall be granted thirty days to satisfy  
11 the deficiency in which interest, penalties, and additions to tax  
12 shall be tolled. After applying all available credits toward a  
13 tax delinquency, the administering agency shall notify the  
14 appropriate department and that department shall update the  
15 amount of outstanding delinquent tax owed by the applicant. If  
16 any credits remain after satisfying all insurance, income, sales,  
17 and use tax delinquencies, the remaining credits shall be issued  
18 to the applicant, subject to the restrictions of other provisions  
19 of law.

20 [11.] 12. The director of revenue shall issue a refund to  
21 the qualified company to the extent that the amount of tax  
22 credits allowed under this program exceeds the amount of the  
23 qualified company's tax liability under chapter 143 or 148.

24 [12.] 13. An employee of a qualified company shall receive  
25 full credit for the amount of tax withheld as provided in section  
26 143.211.

27 [13.] 14. Notwithstanding any provision of law to the  
28 contrary, beginning August 28, 2013, no new benefits shall be

1 authorized for any project that had not received from the  
2 department a proposal or approval for such benefits prior to  
3 August 28, 2013, under the development tax credit program created  
4 under sections 32.100 to 32.125, the rebuilding communities tax  
5 credit program created under section 135.535, the enhanced  
6 enterprise zone tax credit program created under sections 135.950  
7 to 135.973, and the Missouri quality jobs program created under  
8 sections 620.1875 to 620.1890. The provisions of this subsection  
9 shall not be construed to limit or impair the ability of any  
10 administering agency to authorize or issue benefits for any  
11 project that had received an approval or a proposal from the  
12 department under any of the programs referenced in this  
13 subsection prior to August 28, 2013, or the ability of any  
14 taxpayer to redeem any such tax credits or to retain any  
15 withholding tax under an approval issued prior to that date. The  
16 provisions of this subsection shall not be construed to limit or  
17 in any way impair the ability of any governing authority to  
18 provide any local abatement or designate a new zone under the  
19 enhanced enterprise zone program created by sections 135.950 to  
20 135.963. Notwithstanding any provision of law to the contrary,  
21 no qualified company that is awarded benefits under this program  
22 shall:

23 (1) Simultaneously receive benefits under the programs  
24 referenced in this subsection at the same capital investment; or

25 (2) Receive benefits under the provisions of section  
26 620.1910 for the same jobs.

27 [14.] 15. If any provision of sections 620.2000 to 620.2020  
28 or application thereof to any person or circumstance is held

1 invalid, the invalidity shall not affect other provisions or  
2 application of these sections which can be given effect without  
3 the invalid provisions or application, and to this end, the  
4 provisions of sections 620.2000 to 620.2020 are hereby declared  
5 severable.

6 [15.] 16. By no later than January 1, 2014, and the first  
7 day of each calendar quarter thereafter, the department shall  
8 present a quarterly report to the general assembly detailing the  
9 benefits authorized under this program during the immediately  
10 preceding calendar quarter to the extent such information may be  
11 disclosed under state and federal law. The report shall include,  
12 at a minimum:

13 (1) A list of all approved and disapproved applicants for  
14 each tax credit;

15 (2) A list of the aggregate amount of new or retained jobs  
16 that are directly attributable to the tax credits authorized;

17 (3) A statement of the aggregate amount of new capital  
18 investment directly attributable to the tax credits authorized;

19 (4) Documentation of the estimated net state fiscal benefit  
20 for each authorized project and, to the extent available, the  
21 actual benefit realized upon completion of such project or  
22 activity; and

23 (5) The department's response time for each request for a  
24 proposed benefit award under this program.

25 [16.] 17. The department may adopt such rules, statements  
26 of policy, procedures, forms, and guidelines as may be necessary  
27 to carry out the provisions of sections 620.2000 to 620.2020.

28 Any rule or portion of a rule, as that term is defined in section

1 536.010, that is created under the authority delegated in this  
2 section shall become effective only if it complies with and is  
3 subject to all of the provisions of chapter 536 and, if  
4 applicable, section 536.028. This section and chapter 536 are  
5 nonseverable and if any of the powers vested with the general  
6 assembly pursuant to chapter 536 to review, to delay the  
7 effective date, or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 2013,  
10 shall be invalid and void.

11 [17.] 18. Under section 23.253 of the Missouri sunset act:

12 (1) The provisions of the program authorized under sections  
13 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018,  
14 and shall expire on August 28, 2030; and

15 (2) If such program is reauthorized, the program authorized  
16 under this section shall automatically sunset twelve years after  
17 the effective date of this reauthorization of sections 620.2000  
18 to 620.2020; and

19 (3) Sections 620.2000 to 620.2020 shall terminate on  
20 September first of the calendar year immediately following the  
21 calendar year in which the program authorized under sections  
22 620.2000 to 620.2020 is sunset.

23 620.2475. 1. As used in this section, the following terms  
24 shall mean:

25 (1) "Aerospace project", a project undertaken by or for the  
26 benefit of a qualified company with a North American Industry  
27 Classification System industry classification of 3364 involving  
28 the creation of at least two thousand new jobs within ten years

1 following the approval of a notice of intent pursuant to section  
2 620.2020 and for which the department of economic development has  
3 provided a proposal for benefits under job creation, worker  
4 training, and infrastructure development programs on or before  
5 June 10, 2014;

6 (2) "Job creation, worker training, and infrastructure  
7 development programs", the Missouri works program established  
8 under sections 620.2000 to 620.2020, the Missouri business use  
9 incentives for large-scale development act established under  
10 sections 100.700 to 100.850, the Missouri [works] one start  
11 training program established under sections 620.800 to 620.809,  
12 and the real property tax increment allocation redevelopment act  
13 established under sections 99.800 to 99.865.

14 2. Provisions of law to the contrary notwithstanding, no  
15 benefits authorized under job creation, worker training, and  
16 infrastructure development programs for an aerospace project  
17 shall be considered in determining compliance with applicable  
18 limitations on the aggregate amount of benefits that may be  
19 awarded annually or cumulatively under subdivision (3) of  
20 subsection 10 of section 99.845, subsection 5 of section 100.850,  
21 subsection 8 of section 620.809, and subsection 7 of section  
22 620.2020. No aerospace project shall be authorized for state  
23 benefits under job creation, worker training, and infrastructure  
24 development programs that exceed, in the aggregate, one hundred  
25 fifty million dollars annually under all such programs.

26 3. For any aerospace project receiving state benefits under  
27 this section, the department of economic development shall  
28 deliver to the general assembly an annual report providing

1 detailed information on the state benefits received and projected  
2 to be received by the aerospace project and shall also denote the  
3 number of minorities that have been trained under the Missouri  
4 [works] one start training program established under sections  
5 620.800 to 620.809.

6 4. Any aerospace project receiving benefits under this  
7 section shall annually report to the general assembly and the  
8 department of economic development its minority and women  
9 employment outreach efforts.

10 5. For aerospace projects receiving benefits under this  
11 section, in no event shall disbursements of new state revenues  
12 under sections 99.800 to 99.865 be made to satisfy bond  
13 obligations incurred for improvements that do not directly  
14 benefit such project.

15 6. For aerospace projects receiving benefits under this  
16 section, in the tenth year following the approval of a notice of  
17 intent under sections 620.2000 to 620.2020, the department of  
18 economic development shall determine the net fiscal benefit to  
19 the state resulting from such project and shall take any action  
20 necessary to ensure a positive net fiscal benefit to the state by  
21 no later than the last year in which the aerospace project  
22 receives benefits under this section.

23 644.032. 1. The governing body of any municipality or  
24 county may impose, by ordinance or order, a sales tax in an  
25 amount not to exceed one-half of one percent on all retail sales  
26 made in such municipality or county which are subject to taxation  
27 under the provisions of sections 144.010 to [144.525] 144.527.

28 The tax authorized by this section and section 644.033 shall be

1 in addition to any and all other sales taxes allowed by law,  
2 except that no ordinance or order imposing a sales tax under the  
3 provisions of this section and section 644.033 shall be effective  
4 unless the governing body of the municipality or county submits  
5 to the voters of the municipality or county, at a municipal,  
6 county or state general, primary or special election, a proposal  
7 to authorize the governing body of the municipality or county to  
8 impose a tax, provided, that the tax authorized by this section  
9 shall not be imposed on the sales of food, as defined in section  
10 144.014, when imposed by any county with a charter form of  
11 government and with more than one million inhabitants.

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

14 Shall the municipality (county) of \_\_\_\_\_ impose a sales tax  
15 of \_\_\_\_\_ (insert amount) for the purpose of providing funding  
16 for \_\_\_\_\_ (insert either storm water control, or local parks, or  
17 storm water control and local parks) for the municipality  
18 (county)?

19  YES  NO

20  
21 If a majority of the votes cast on the proposal by the qualified  
22 voters voting thereon are in favor of the proposal, then the  
23 ordinance or order and any amendments thereto shall [be in effect  
24 on the first day of the second quarter after the director of  
25 revenue receives notice of adoption of the tax] become effective  
26 as provided in subsection 19 of section 32.087. If a majority of  
27 the votes cast by the qualified voters voting are opposed to the  
28 proposal, then the governing body of the municipality or county

1 shall not impose the sales tax authorized in this section and  
2 section 644.033 until the governing body of the municipality or  
3 county resubmits another proposal to authorize the governing body  
4 of the municipality or county to impose the sales tax authorized  
5 by this section and section 644.033 and such proposal is approved  
6 by a majority of the qualified voters voting thereon; however, in  
7 no event shall a proposal pursuant to this section and section  
8 644.033 be submitted to the voters sooner than twelve months from  
9 the date of the last proposal pursuant to this section and  
10 section 644.033.

11 3. All revenue received by a municipality or county from  
12 the tax authorized under the provisions of this section and  
13 section 644.033 shall be deposited in a special trust fund and  
14 shall be used to provide funding for storm water control or for  
15 local parks, or both, within such municipality or county,  
16 provided that such revenue may be used for local parks outside  
17 such municipality or county if the municipality or county is  
18 engaged in a cooperative agreement pursuant to section 70.220.

19 4. Any funds in such special trust fund which are not  
20 needed for current expenditures may be invested by the governing  
21 body in accordance with applicable laws relating to the  
22 investment of other municipal or county funds.

23 5. Except as provided by this section, all provisions of  
24 sections 32.085 to 32.087 shall apply to the tax imposed under  
25 this section.

26 [66.601. The duties of the director of revenue  
27 with respect to the allocation, division and  
28 distribution of sales and use tax proceeds determined  
29 to be due any county of the first classification having  
30 a charter form of government and having a population of  
31 nine hundred thousand or more inhabitants and all



1 municipalities within such county, resulting from taxes  
2 levied or imposed under the authority of sections  
3 66.600 to 66.630, section 144.748, and sections 94.850  
4 to 94.857, may be delegated to the county levying the  
5 county sales tax under sections 66.600 to 66.630, at  
6 the discretion of the director of revenue and with the  
7 consent of the county. Notwithstanding the provisions  
8 of section 32.057 to the contrary, if such duties are  
9 so assigned, the director of revenue shall furnish the  
10 county with sufficient information to perform such  
11 duties in such form as may be agreed upon by the  
12 director and the county at no cost to the county. The  
13 county shall be bound by the provisions of section  
14 32.057, and shall use any information provided by the  
15 director of revenue under the provisions of this  
16 section solely for the purpose of allocating, dividing  
17 and distributing such sales and use tax revenues. The  
18 county shall exercise all of the director's powers and  
19 duties with respect to such allocation, division and  
20 distribution, and shall receive no fee for carrying out  
21 such powers and duties.]

22  
23 [67.1713. Beginning January 1, 2002, there is  
24 hereby specifically exempted from the tax imposed  
25 pursuant to section 67.1712 all sales of food as  
26 defined by section 144.014.]

27  
28 [67.1971. All entities remitting the sales tax  
29 authorized pursuant to section 67.1959 shall have their  
30 liability reduced by an amount equal to twenty-five  
31 percent of any taxes collected and remitted pursuant to  
32 sections 94.802 to 94.805.]

33  
34 [144.069. All sales taxes associated with the  
35 titling of motor vehicles, trailers, boats and outboard  
36 motors under the laws of Missouri shall be imposed at  
37 the rate in effect at the location of the address of  
38 the owner thereof, and all sales taxes associated with  
39 the titling of vehicles under leases of over sixty-day  
40 duration of motor vehicles, trailers, boats and  
41 outboard motors shall be imposed at the rate in effect,  
42 unless the vehicle, trailer, boat or motor has been  
43 registered and sales taxes have been paid prior to the  
44 consummation of the lease agreement at the location of  
45 the address of the lessee thereof on the date the lease  
46 is consummated, and all applicable sales taxes levied  
47 by any political subdivision shall be collected and  
48 remitted on such sales from the purchaser or lessee by  
49 the state department of revenue on that basis.]  
50

1           [144.517. In addition to the exemptions granted  
2 pursuant to section 144.030, there shall also be  
3 exempted from state sales and use taxes all sales of  
4 textbooks, as defined by section 170.051, when such  
5 textbook is purchased by a student who possesses proof  
6 of current enrollment at any Missouri public or private  
7 university, college or other postsecondary institution  
8 of higher learning offering a course of study leading  
9 to a degree in the liberal arts, humanities or sciences  
10 or in a professional, vocational or technical field,  
11 provided that the books which are exempt from state  
12 sales tax are those required or recommended for a  
13 class. Upon request the institution or department must  
14 provide at least one list of textbooks to the bookstore  
15 each semester. Alternately, the student may provide to  
16 the bookstore a list from the instructor, department or  
17 institution of his or her required or recommended  
18 textbooks. This exemption shall not apply to any  
19 locally imposed sales or use tax.]  
20

21           [144.605. The following words and phrases as used  
22 in sections 144.600 to 144.745 mean and include:

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

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

29           (a) Maintaining or having a franchisee or  
30 licensee operating under the seller's trade name in  
31 this state if the franchisee or licensee is required to  
32 collect sales tax pursuant to sections 144.010 to  
33 144.525;

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

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

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

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

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

50           d. Facilitates the vendor's delivery of property  
51 to customers in the state by allowing the vendor's

1 customers to pick up property sold by the vendor at an  
2 office, distribution facility, warehouse, storage  
3 place, or similar place of business maintained by the  
4 person in the state; or

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

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

14 (e) Notwithstanding paragraph (c), a vendor shall  
15 be presumed to engage in business activities within  
16 this state if the vendor enters into an agreement with  
17 one or more residents of this state under which the  
18 resident, for a commission or other consideration,  
19 directly or indirectly refers potential customers,  
20 whether by a link on an internet website, an in-person  
21 oral presentation, telemarketing, or otherwise, to the  
22 vendor, if the cumulative gross receipts from sales by  
23 the vendor to customers in the state who are referred  
24 to the vendor by all residents with this type of an  
25 agreement with the vendor is in excess of ten thousand  
26 dollars during the preceding twelve months;

27 (f) The presumption in paragraph (e) may be  
28 rebutted by submitting proof that the residents with  
29 whom the vendor has an agreement did not engage in any  
30 activity within the state that was significantly  
31 associated with the vendor's ability to establish or  
32 maintain the vendor's market in the state during the  
33 preceding twelve months. Such proof may consist of  
34 sworn written statements from all of the residents with  
35 whom the vendor has an agreement stating that they did  
36 not engage in any solicitation in the state on behalf  
37 of the vendor during the preceding year provided that  
38 such statements were provided and obtained in good  
39 faith;

40 (3) "Maintains a place of business in this state"  
41 includes maintaining, occupying, or using, permanently  
42 or temporarily, directly or indirectly, by whatever  
43 name called, an office, place of distribution, sales or  
44 sample room or place, warehouse or storage place, or  
45 other place of business in this state, whether owned or  
46 operated by the vendor or by any other person other  
47 than a common carrier acting in its capacity as such;

48 (4) "Person", any individual, firm,  
49 copartnership, joint venture, association, corporation,  
50 municipal or private, and whether organized for profit  
51 or not, state, county, political subdivision, state

1 department, commission, board, bureau or agency, except  
2 the state transportation department, estate, trust,  
3 business trust, receiver or trustee appointed by the  
4 state or federal court, syndicate, or any other group  
5 or combination acting as a unit, and the plural as well  
6 as the singular number;

7 (5) "Purchase", the acquisition of the ownership  
8 of, or title to, tangible personal property, through a  
9 sale, as defined herein, for the purpose of storage,  
10 use or consumption in this state;

11 (6) "Purchaser", any person who is the recipient  
12 for a valuable consideration of any sale of tangible  
13 personal property acquired for use, storage or  
14 consumption in this state;

15 (7) "Sale", any transfer, barter or exchange of  
16 the title or ownership of tangible personal property,  
17 or the right to use, store or consume the same, for a  
18 consideration paid or to be paid, and any transaction  
19 whether called leases, rentals, bailments, loans,  
20 conditional sales or otherwise, and notwithstanding  
21 that the title or possession of the property or both is  
22 retained for security. For the purpose of this law the  
23 place of delivery of the property to the purchaser,  
24 user, storer or consumer is deemed to be the place of  
25 sale, whether the delivery be by the vendor or by  
26 common carriers, private contractors, mails, express,  
27 agents, salesmen, solicitors, hawkers, representatives,  
28 consignors, peddlers, canvassers or otherwise;

29 (8) "Sales price", the consideration including  
30 the charges for services, except charges incident to  
31 the extension of credit, paid or given, or contracted  
32 to be paid or given, by the purchaser to the vendor for  
33 the tangible personal property, including any services  
34 that are a part of the sale, valued in money, whether  
35 paid in money or otherwise, and any amount for which  
36 credit is given to the purchaser by the vendor, without  
37 any deduction therefrom on account of the cost of the  
38 property sold, the cost of materials used, labor or  
39 service cost, losses or any other expenses whatsoever,  
40 except that cash discounts allowed and taken on sales  
41 shall not be included and "sales price" shall not  
42 include the amount charged for property returned by  
43 customers upon rescission of the contract of sales when  
44 the entire amount charged therefor is refunded either  
45 in cash or credit or the amount charged for labor or  
46 services rendered in installing or applying the  
47 property sold, the use, storage or consumption of which  
48 is taxable pursuant to sections 144.600 to 144.745.  
49 The sales price shall not include usual and customary  
50 delivery charges that are separately stated. In  
51 determining the amount of tax due pursuant to sections

1 144.600 to 144.745, any charge incident to the  
2 extension of credit shall be specifically exempted;

3 (9) "Selling agent", every person acting as a  
4 representative of a principal, when such principal is  
5 not registered with the director of revenue of the  
6 state of Missouri for the collection of the taxes  
7 imposed pursuant to sections 144.010 to 144.525 or  
8 sections 144.600 to 144.745 and who receives  
9 compensation by reason of the sale of tangible personal  
10 property of the principal, if such property is to be  
11 stored, used, or consumed in this state;

12 (10) "Storage", any keeping or retention in this  
13 state of tangible personal property purchased from a  
14 vendor, except property for sale or property that is  
15 temporarily kept or retained in this state for  
16 subsequent use outside the state;

17 (11) "Tangible personal property", all items  
18 subject to the Missouri sales tax as provided in  
19 subdivisions (1) and (3) of section 144.020;

20 (12) "Taxpayer", any person remitting the tax or  
21 who should remit the tax levied by sections 144.600 to  
22 144.745;

23 (13) "Use", the exercise of any right or power  
24 over tangible personal property incident to the  
25 ownership or control of that property, except that it  
26 does not include the temporary storage of property in  
27 this state for subsequent use outside the state, or the  
28 sale of the property in the regular course of business;

29 (14) "Vendor", every person engaged in making  
30 sales of tangible personal property by mail order, by  
31 advertising, by agent or peddling tangible personal  
32 property, soliciting or taking orders for sales of  
33 tangible personal property, for storage, use or  
34 consumption in this state, all salesmen, solicitors,  
35 hawkers, representatives, consignees, peddlers or  
36 canvassers, as agents of the dealers, distributors,  
37 consignors, supervisors, principals or employers under  
38 whom they operate or from whom they obtain the tangible  
39 personal property sold by them, and every person who  
40 maintains a place of business in this state, maintains  
41 a stock of goods in this state, or engages in business  
42 activities within this state and every person who  
43 engages in this state in the business of acting as a  
44 selling agent for persons not otherwise vendors as  
45 defined in this subdivision. Irrespective of whether  
46 they are making sales on their own behalf or on behalf  
47 of the dealers, distributors, consignors, supervisors,  
48 principals or employers, they must be regarded as  
49 vendors and the dealers, distributors, consignors,  
50 supervisors, principals or employers must be regarded  
51 as vendors for the purposes of sections 144.600 to

1 144.745.]  
2

3 [144.1000. Sections 144.1000 to 144.1015 shall be  
4 known as and referred to as the "Simplified Sales and  
5 Use Tax Administration Act".]  
6

7 [144.1003. As used in sections 144.1000 to  
8 144.1015, the following terms shall mean:

9 (1) "Agreement", the streamlined sales and use  
10 tax agreement;

11 (2) "Certified automated system", software  
12 certified jointly by the states that are signatories to  
13 the agreement to calculate the tax imposed by each  
14 jurisdiction on a transaction, determine the amount of  
15 tax to remit to the appropriate state and maintain a  
16 record of the transaction;

17 (3) "Certified service provider", an agent  
18 certified jointly by the states that are signatories to  
19 the agreement to perform all of the seller's sales tax  
20 functions;

21 (4) "Person", an individual, trust, estate,  
22 fiduciary, partnership, limited liability company,  
23 limited liability partnership, corporation or any other  
24 legal entity;

25 (5) "Sales tax", any sales tax levied pursuant to  
26 this chapter, section 32.085, or any other sales tax  
27 authorized by statute and levied by this state or its  
28 political subdivisions;

29 (6) "Seller", any person making sales, leases or  
30 rentals of personal property or services;

31 (7) "State", any state of the United States and  
32 the District of Columbia;

33 (8) "Use tax", the use tax levied pursuant to  
34 this chapter.]  
35

36 [144.1006. For the purposes of reviewing and, if  
37 necessary, amending the agreement embodying the  
38 simplification recommendations contained in section  
39 144.1015, the state may enter into multistate  
40 discussions. For purposes of such discussions, the  
41 state shall be represented by seven delegates, one of  
42 whom shall be appointed by the governor, two members  
43 appointed by the speaker of the house of  
44 representatives, one member appointed by the minority  
45 leader of the house of representatives, two members  
46 appointed by the president pro tempore of the senate  
47 and one member appointed by the minority leader of the  
48 senate. The delegates need not be members of the  
49 general assembly and at least one of the delegates  
50 appointed by the speaker of the house of

1 representatives and one member appointed by the  
2 president pro tempore of the senate shall be from the  
3 private sector and represent the interests of Missouri  
4 businesses. The delegates shall recommend to the  
5 committees responsible for reviewing tax issues in the  
6 senate and the house of representatives each year any  
7 amendment of state statutes required to be  
8 substantially in compliance with the agreement. Such  
9 delegates shall make a written report by the fifteenth  
10 day of January each year regarding the status of the  
11 multistate discussions and upon final adoption of the  
12 terms of the sales and use tax agreement by the  
13 multistate body.]

14  
15 [144.1009. No provision of the agreement  
16 authorized by sections 144.1000 to 144.1015 in whole or  
17 in part invalidates or amends any provision of the law  
18 of this state. Implementation of any condition of this  
19 agreement in this state, whether adopted before, at, or  
20 after membership of this state in the agreement, must  
21 be by action of the general assembly. Such report  
22 shall be delivered to the governor, the secretary of  
23 state, the president pro tempore of the senate and the  
24 speaker of the house of representatives and shall  
25 simultaneously be made publicly available by the  
26 secretary of state to any person requesting a copy.]

27  
28 [144.1012. Unless five of the seven delegates  
29 agree, the delegates shall not enter into or vote for  
30 any streamlined sales and use tax agreement that:  
31 (1) Requires adoption of a definition of any term  
32 that would cause any item or transaction that is now  
33 excluded or exempted from sales or use tax to become  
34 subject to sales or use tax;  
35 (2) Requires the state of Missouri to fully  
36 exempt or fully apply sales taxes to the sale of food  
37 or any other item;  
38 (3) Restricts the ability of local governments  
39 under statutes in effect on August 28, 2002, to enact  
40 one or more local taxes on one or more items without  
41 application of the tax to all sales within the taxing  
42 jurisdiction, however, restriction of any such taxes  
43 allowed by statutes effective after August 28, 2002,  
44 may be supported;  
45 (4) Provides for adoption of any uniform rate  
46 structure that would result in a tax increase for any  
47 Missouri taxpayer;  
48 (5) Affects the sourcing of sales tax  
49 transactions; or  
50 (6) Prohibits limitations or thresholds on the  
51 application of sales and use tax rates or prohibits any

1 current sales or use tax exemption in the state of  
2 Missouri, including exemptions that are based on the  
3 value of the transaction or item.]  
4

5 [144.1015. In addition to the requirements of  
6 section 144.1012, the delegates should consider the  
7 following features when deciding whether or not to  
8 enter into any streamlined sales and use tax agreement:

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

11 (2) The agreement should establish uniform  
12 standards for administration of exempt sales and the  
13 form used for filing sales and use tax returns and  
14 remittances;

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

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

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

28 (a) Restricting variances between the state and  
29 local tax bases;

30 (b) Requiring states to administer any sales and  
31 use taxes levied by local jurisdictions within the  
32 state so that sellers collecting and remitting these  
33 taxes will not have to register or file returns with,  
34 remit funds to, or be subject to independent audits  
35 from local taxing jurisdictions;

36 (c) Restricting the frequency of changes in the  
37 local sales and use tax rates and setting effective  
38 dates for the application of local jurisdictional  
39 boundary changes to local sales and use taxes; and

40 (d) Providing notice of changes in local sales  
41 and use tax rates and of changes in the boundaries of  
42 local taxing jurisdictions;

43 (6) The agreement should outline any monetary  
44 allowances that are to be provided by the states to  
45 sellers or certified service providers. The agreement  
46 must allow for a joint public and private sector study  
47 of the compliance cost on sellers and certified service  
48 providers to collect sales and use taxes for state and  
49 local governments under various levels of complexity to  
50 be completed by July 1, 2003;

51 (7) The agreement should require each state to



1 certify compliance with the terms of the agreement  
2 prior to joining and to maintain compliance, under the  
3 laws of the member state, with all provisions of the  
4 agreement while a member, only if the agreement and any  
5 amendment thereto complies with the provisions of  
6 section 144.1012;

7 (8) The agreement should require each state to  
8 adopt a uniform policy for certified service providers  
9 that protects the privacy of consumers and maintains  
10 the confidentiality of tax information; and

11 (9) The agreement should provide for the  
12 appointment of an advisory council of private sector  
13 representatives and an advisory council of nonmember  
14 state representatives to consult with in the  
15 administration of the agreement.]  
16

17 Section B. The repeal of sections 66.601, 67.1713, 67.1971,  
18 144.069, 144.517, 144.605, 144.1000, 144.1003, 144.1006,  
19 144.1009, and 144.1012, the repeal and reenactment of sections  
20 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581,  
21 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738,  
22 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,  
23 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525,  
24 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 144.010,  
25 144.011, 144.014, 144.020, 144.030, 144.043, 144.049, 144.054,  
26 144.060, 144.080, 144.083, 144.140, 144.190, 144.210, 144.285,  
27 144.526, 144.600, 144.655, 144.710, 144.759, 144.761, 184.845,  
28 221.407, 238.235, 238.410, and 644.032, and the enactment of  
29 sections 32.086, 144.084, 144.109, 144.123, 144.124, 144.612, and  
30 144.752 of this act shall become effective January 1, 2021.

31 Section C. Because of the need to provide relief to  
32 taxpayers for unexpected tax burdens, the repeal and reenactment  
33 of section 143.551 of this act is deemed necessary for the  
34 immediate preservation of the public health, welfare, peace, and  
35 safety, and is hereby declared to be an emergency act within the  
36 meaning of the constitution, and the repeal and reenactment of

1 section 143.551 of this act shall be in full force and effect  
2 upon its passage and approval.