

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 87

100TH GENERAL ASSEMBLY

2019

0309H.03T

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## AN ACT

To repeal sections 67.1360, 135.090, 135.562, 139.031, 143.121, 143.1026, 144.190, 313.905, 313.915, 313.920, 313.925, 313.935, 313.945, 313.950, and 313.955, RSMo, and to enact in lieu thereof twenty-two new sections relating to taxation, with an emergency clause for a certain section.

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

Section A. Sections 67.1360, 135.090, 135.562, 139.031, 143.121, 143.1026, 2 144.190, 313.905, 313.915, 313.920, 313.925, 313.935, 313.945, 313.950, and 3 313.955, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, 4 to be known as sections 67.1360, 135.090, 135.562, 139.031, 143.121, 143.732, 5 143.980, 143.1026, 143.1028, 143.1029, 144.088, 144.190, 313.905, 313.915, 6 313.917, 313.920, 313.925, 313.935, 313.945, 313.950, 313.955, and 621.047, to 7 read as follows:

67.1360. 1. The governing body of the following cities and counties may 2 impose a tax as provided in this section:

3 (1) A city with a population of more than seven thousand and less than 4 seven thousand five hundred;

5 (2) A county with a population of over nine thousand six hundred and less 6 than twelve thousand which has a total assessed valuation of at least sixty-three 7 million dollars, if the county submits the issue to the voters of such county prior 8 to January 1, 2003;

9 (3) A third class city which is the county seat of a county of the third 10 classification without a township form of government with a population of at least 11 twenty-five thousand but not more than thirty thousand inhabitants;

12 (4) Any fourth class city having, according to the last federal decennial 13 census, a population of more than one thousand eight hundred fifty inhabitants

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

14 but less than one thousand nine hundred fifty inhabitants in a county of the first  
15 classification with a charter form of government and having a population of  
16 greater than six hundred thousand but less than nine hundred thousand  
17 inhabitants;

18 (5) Any city having a population of more than three thousand but less  
19 than eight thousand inhabitants in a county of the fourth classification having  
20 a population of greater than forty-eight thousand inhabitants;

21 (6) Any city having a population of less than two hundred fifty inhabitants  
22 in a county of the fourth classification having a population of greater than forty-  
23 eight thousand inhabitants;

24 (7) Any fourth class city having a population of more than two thousand  
25 five hundred but less than three thousand inhabitants in a county of the third  
26 classification having a population of more than twenty-five thousand but less  
27 than twenty-seven thousand inhabitants;

28 (8) Any third class city with a population of more than three thousand two  
29 hundred but less than three thousand three hundred located in a county of the  
30 third classification having a population of more than thirty-five thousand but less  
31 than thirty-six thousand;

32 (9) Any county of the second classification without a township form of  
33 government and a population of less than thirty thousand;

34 (10) Any city of the fourth class in a county of the second classification  
35 without a township form of government and a population of less than thirty  
36 thousand;

37 (11) Any county of the third classification with a township form of  
38 government and a population of at least twenty-eight thousand but not more than  
39 thirty thousand;

40 (12) Any city of the fourth class with a population of more than one  
41 thousand eight hundred but less than two thousand in a county of the third  
42 classification with a township form of government and a population of at least  
43 twenty-eight thousand but not more than thirty thousand;

44 (13) Any city of the third class with a population of more than seven  
45 thousand two hundred but less than seven thousand five hundred within a county  
46 of the third classification with a population of more than twenty-one thousand but  
47 less than twenty-three thousand;

48 (14) Any fourth class city having a population of more than two thousand  
49 eight hundred but less than three thousand one hundred inhabitants in a county  
50 of the third classification with a township form of government having a  
51 population of more than eight thousand four hundred but less than nine thousand

52 inhabitants;

53 (15) Any fourth class city with a population of more than four hundred  
54 seventy but less than five hundred twenty inhabitants located in a county of the  
55 third classification with a population of more than fifteen thousand nine hundred  
56 but less than sixteen thousand inhabitants;

57 (16) Any third class city with a population of more than three thousand  
58 eight hundred but less than four thousand inhabitants located in a county of the  
59 third classification with a population of more than fifteen thousand nine hundred  
60 but less than sixteen thousand inhabitants;

61 (17) Any fourth class city with a population of more than four thousand  
62 three hundred but less than four thousand five hundred inhabitants located in  
63 a county of the third classification without a township form of government with  
64 a population greater than sixteen thousand but less than sixteen thousand two  
65 hundred inhabitants;

66 (18) Any fourth class city with a population of more than two thousand  
67 four hundred but less than two thousand six hundred inhabitants located in a  
68 county of the first classification without a charter form of government with a  
69 population of more than fifty-five thousand but less than sixty thousand  
70 inhabitants;

71 (19) Any fourth class city with a population of more than two thousand  
72 five hundred but less than two thousand six hundred inhabitants located in a  
73 county of the third classification with a population of more than nineteen  
74 thousand one hundred but less than nineteen thousand two hundred inhabitants;

75 (20) Any county of the third classification without a township form of  
76 government with a population greater than sixteen thousand but less than  
77 sixteen thousand two hundred inhabitants;

78 (21) Any county of the second classification with a population of more  
79 than forty-four thousand but less than fifty thousand inhabitants;

80 (22) Any third class city with a population of more than nine thousand  
81 five hundred but less than nine thousand seven hundred inhabitants located in  
82 a county of the first classification without a charter form of government and with  
83 a population of more than one hundred ninety-eight thousand but less than one  
84 hundred ninety-eight thousand two hundred inhabitants;

85 (23) Any city of the fourth classification with more than five thousand two  
86 hundred but less than five thousand three hundred inhabitants located in a  
87 county of the third classification without a township form of government and with  
88 more than twenty-four thousand five hundred but less than twenty-four thousand  
89 six hundred inhabitants;

90 (24) Any third class city with a population of more than nineteen  
91 thousand nine hundred but less than twenty thousand in a county of the first  
92 classification without a charter form of government and with a population of more  
93 than one hundred ninety-eight thousand but less than one hundred ninety-eight  
94 thousand two hundred inhabitants;

95 (25) Any city of the fourth classification with more than two thousand six  
96 hundred but less than two thousand seven hundred inhabitants located in any  
97 county of the third classification without a township form of government and with  
98 more than fifteen thousand three hundred but less than fifteen thousand four  
99 hundred inhabitants;

100 (26) Any county of the third classification without a township form of  
101 government and with more than fourteen thousand nine hundred but less than  
102 fifteen thousand inhabitants;

103 (27) Any city of the fourth classification with more than five thousand four  
104 hundred but fewer than five thousand five hundred inhabitants and located in  
105 more than one county;

106 (28) Any city of the fourth classification with more than six thousand  
107 three hundred but fewer than six thousand five hundred inhabitants and located  
108 in more than one county through the creation of a tourism district which may  
109 include, in addition to the geographic area of such city, the area encompassed by  
110 the portion of the school district, located within a county of the first classification  
111 with more than ninety-three thousand eight hundred but fewer than ninety-three  
112 thousand nine hundred inhabitants, having an average daily attendance for  
113 school year 2005-06 between one thousand eight hundred and one thousand nine  
114 hundred;

115 (29) Any city of the fourth classification with more than seven thousand  
116 seven hundred but less than seven thousand eight hundred inhabitants located  
117 in a county of the first classification with more than ninety-three thousand eight  
118 hundred but less than ninety-three thousand nine hundred inhabitants;

119 (30) Any city of the fourth classification with more than two thousand  
120 nine hundred but less than three thousand inhabitants located in a county of the  
121 first classification with more than seventy-three thousand seven hundred but less  
122 than seventy-three thousand eight hundred inhabitants;

123 (31) Any city of the third classification with more than nine thousand  
124 three hundred but less than nine thousand four hundred inhabitants;

125 (32) Any city of the fourth classification with more than three thousand  
126 eight hundred but fewer than three thousand nine hundred inhabitants and  
127 located in any county of the first classification with more than thirty-nine

128 thousand seven hundred but fewer than thirty-nine thousand eight hundred  
129 inhabitants;

130 (33) Any city of the fourth classification with more than one thousand  
131 eight hundred but fewer than one thousand nine hundred inhabitants and located  
132 in any county of the first classification with more than one hundred thirty-five  
133 thousand four hundred but fewer than one hundred thirty-five thousand five  
134 hundred inhabitants;

135 (34) Any county of the third classification without a township form of  
136 government and with more than twelve thousand one hundred but fewer than  
137 twelve thousand two hundred inhabitants;

138 (35) Any city of the fourth classification with more than three thousand  
139 eight hundred but fewer than four thousand inhabitants and located in more than  
140 one county; provided, however, that motels owned by not-for-profit organizations  
141 are exempt; [or]

142 (36) Any city of the fourth classification with more than five thousand but  
143 fewer than five thousand five hundred inhabitants and located in any county with  
144 a charter form of government and with more than two hundred thousand but  
145 fewer than three hundred fifty thousand inhabitants; **or**

146 **(37) Any city with more than four thousand but fewer than five**  
147 **thousand five hundred inhabitants and located in any county of the**  
148 **fourth classification with more than thirty thousand but fewer than**  
149 **forty-two thousand inhabitants.**

150 2. The governing body of any city or county listed in subsection 1 of this  
151 section may impose a tax on the charges for all sleeping rooms paid by the  
152 transient guests of hotels, motels, bed and breakfast inns, and campgrounds and  
153 any docking facility [which] **that** rents slips to recreational boats [which] **that**  
154 are used by transients for sleeping, which shall be at least two percent[,] but not  
155 more than five percent per occupied room per night, except that such tax shall not  
156 become effective unless the governing body of the city or county submits to the  
157 voters of the city or county at a state general, primary, or special election, a  
158 proposal to authorize the governing body of the city or county to impose a tax  
159 pursuant to the provisions of this section and section 67.1362. The tax authorized  
160 by this section and section 67.1362 shall be in addition to any charge paid to the  
161 owner or operator and shall be in addition to any and all taxes imposed by law  
162 and the proceeds of such tax shall be used by the city or county solely for funding  
163 the promotion of tourism. Such tax shall be stated separately from all other  
164 charges and taxes.

135.090. 1. As used in this section, the following terms mean:

2 (1) "Homestead", the dwelling in Missouri owned by the surviving spouse  
3 and not exceeding five acres of land surrounding it as is reasonably necessary for  
4 use of the dwelling as a home. As used in this section, "homestead" shall not  
5 include any dwelling which is occupied by more than two families;

6 (2) "Public safety officer", any firefighter, police officer, capitol police  
7 officer, parole officer, probation officer, correctional employee, water patrol officer,  
8 park ranger, conservation officer, commercial motor vehicle enforcement officer,  
9 emergency medical responder, as defined in section 190.100, emergency medical  
10 technician, first responder, or highway patrolman employed by the state of  
11 Missouri or a political subdivision thereof who is killed in the line of duty, unless  
12 the death was the result of the officer's own misconduct or abuse of alcohol or  
13 drugs;

14 (3) "Surviving spouse", a spouse, who has not remarried, of a public safety  
15 officer.

16 2. For all tax years beginning on or after January 1, 2008, a surviving  
17 spouse shall be allowed a credit against the tax otherwise due under chapter 143,  
18 excluding withholding tax imposed by sections 143.191 to 143.265, in an amount  
19 equal to the total amount of the property taxes on the surviving spouse's  
20 homestead paid during the tax year for which the credit is claimed. A surviving  
21 spouse may claim the credit authorized under this section for each tax year  
22 beginning the year of death of the public safety officer spouse until the tax year  
23 in which the surviving spouse remarries. No credit shall be allowed for the tax  
24 year in which the surviving spouse remarries. If the amount allowable as a credit  
25 exceeds the income tax reduced by other credits, then the excess shall be  
26 considered an overpayment of the income tax.

27 3. The department of revenue shall promulgate rules to implement the  
28 provisions of this section.

29 4. Any rule or portion of a rule, as that term is defined in section 536.010,  
30 that is created under the authority delegated in this section shall become effective  
31 only if it complies with and is subject to all of the provisions of chapter 536 and,  
32 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
33 if any of the powers vested with the general assembly pursuant to chapter 536 to  
34 review, to delay the effective date, or to disapprove and annul a rule are  
35 subsequently held unconstitutional, then the grant of rulemaking authority and  
36 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

37 5. Pursuant to section 23.253 of the Missouri sunset act:

38 (1) The program authorized under this section shall expire on December  
39 31, [2019] **2027**, unless reauthorized by the general assembly; and

40 (2) This section shall terminate on September first of the calendar year  
41 immediately following the calendar year in which the program authorized under  
42 this section is sunset; and

43 (3) The provisions of this subsection shall not be construed to limit or in  
44 any way impair the department's ability to redeem tax credits authorized on or  
45 before the date the program authorized under this section expires or a taxpayer's  
46 ability to redeem such tax credits.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty  
2 thousand dollars or less incurs costs for the purpose of making all or any portion  
3 of such taxpayer's principal dwelling accessible to an individual with a disability  
4 who permanently resides with the taxpayer, such taxpayer shall receive a tax  
5 credit against such taxpayer's Missouri income tax liability in an amount equal  
6 to the lesser of one hundred percent of such costs or two thousand five hundred  
7 dollars per taxpayer, per tax year.

8 2. Any taxpayer with a federal adjusted gross income greater than thirty  
9 thousand dollars but less than sixty thousand dollars who incurs costs for the  
10 purpose of making all or any portion of such taxpayer's principal dwelling  
11 accessible to an individual with a disability who permanently resides with the  
12 taxpayer shall receive a tax credit against such taxpayer's Missouri income tax  
13 liability in an amount equal to the lesser of fifty percent of such costs or two  
14 thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be  
15 eligible to receive tax credits under this section in any tax year immediately  
16 following a tax year in which such taxpayer received tax credits under the  
17 provisions of this section.

18 3. Tax credits issued [pursuant to] **under** this section may be refundable  
19 in an amount not to exceed two thousand five hundred dollars per tax year.

20 4. Eligible costs for which the credit may be claimed include:

- 21 (1) Constructing entrance or exit ramps;
- 22 (2) Widening exterior or interior doorways;
- 23 (3) Widening hallways;
- 24 (4) Installing handrails or grab bars;
- 25 (5) Moving electrical outlets and switches;
- 26 (6) Installing stairway lifts;
- 27 (7) Installing or modifying fire alarms, smoke detectors, and other alerting  
28 systems;
- 29 (8) Modifying hardware of doors; or
- 30 (9) Modifying bathrooms.

31 5. The tax credits allowed, including the maximum amount that may be

32 claimed, [pursuant to] **under** this section shall be reduced by an amount  
33 sufficient to offset any amount of such costs a taxpayer has already deducted from  
34 such taxpayer's federal adjusted gross income or to the extent such taxpayer has  
35 applied any other state or federal income tax credit to such costs.

36 6. A taxpayer shall claim a credit allowed by this section in the same  
37 [taxable] **tax** year as the credit is issued, and at the time such taxpayer files his  
38 or her Missouri income tax return; provided that such return is timely filed.

39 7. The department may, in consultation with the department of social  
40 services, promulgate such rules or regulations as are necessary to administer the  
41 provisions of this section. Any rule or portion of a rule, as that term is defined  
42 in section 536.010, that is created under the authority delegated in this section  
43 shall become effective only if it complies with and is subject to all of the  
44 provisions of chapter 536 and, if applicable, section 536.028. This section and  
45 chapter 536 are nonseverable and if any of the powers vested with the general  
46 assembly pursuant to chapter 536 to review, to delay the effective date or to  
47 disapprove and annul a rule are subsequently held unconstitutional, then the  
48 grant of rulemaking authority and any rule proposed or adopted after August 28,  
49 2007, shall be invalid and void.

50 8. The provisions of this section shall apply to all tax years beginning on  
51 or after January 1, 2008.

52 9. The provisions of this section shall expire December 31, [2019] **2025**,  
53 unless reauthorized by the general assembly. This section shall terminate on  
54 September first of the calendar year immediately following the calendar year in  
55 which the program authorized under this section is sunset. The provisions of this  
56 subsection shall not be construed to limit or in any way impair the department's  
57 ability to redeem tax credits authorized on or before the date the program  
58 authorized under this section expires or a taxpayer's ability to redeem such tax  
59 credits.

60 10. In no event shall the aggregate amount of all tax credits allowed  
61 [pursuant to] **under** this section exceed one hundred thousand dollars in any  
62 given fiscal year. The tax credits issued pursuant to this section shall be on a  
63 first-come, first-served filing basis.

139.031. 1. Any taxpayer may protest all or any part of any current taxes  
2 assessed against the taxpayer, except taxes collected by the director of revenue  
3 of Missouri. Any such taxpayer desiring to pay any current taxes under protest  
4 or while paying taxes based upon a disputed assessment shall, at the time of  
5 paying such taxes, make full payment of the current tax bill before the  
6 delinquency date and file with the collector a written statement setting forth the

7 grounds on which the protest is based. The statement shall include the true  
8 value in money claimed by the taxpayer if disputed. An appeal before the state  
9 tax commission shall not be dismissed on the grounds that a taxpayer failed to  
10 file a written statement when paying taxes based upon a disputed assessment.

11         2. Upon receiving payment of current taxes under protest [pursuant to]  
12 **under** subsection 1 of this section or upon receiving from the state tax  
13 commission or the circuit court notice of an appeal from the state tax commission  
14 or the circuit court [pursuant to] **under** section 138.430, along with full payment  
15 of the current tax bill before the delinquency date, the collector shall disburse to  
16 the proper official all portions of taxes not protested or not disputed by the  
17 taxpayer and shall impound in a separate fund all portions of such taxes which  
18 are protested or in dispute. Every taxpayer protesting the payment of current  
19 taxes under subsection 1 of this section shall, within ninety days after filing his  
20 protest, commence an action against the collector by filing a petition for the  
21 recovery of the amount protested in the circuit court of the county in which the  
22 collector maintains his office. If any taxpayer so protesting his taxes under  
23 subsection 1 of this section shall fail to commence an action in the circuit court  
24 for the recovery of the taxes protested within the time prescribed in this  
25 subsection, such protest shall become null and void and of no effect, and the  
26 collector shall then disburse to the proper official the taxes impounded, and any  
27 interest earned thereon, as provided above in this subsection.

28         3. No action against the collector shall be commenced by any taxpayer  
29 who has, effective for the current tax year, filed with the state tax commission or  
30 the circuit court a timely and proper appeal of the assessment of the taxpayer's  
31 property. The portion of taxes in dispute from an appeal of an assessment shall  
32 be impounded in a separate fund and the commission in its decision and order  
33 issued [pursuant to] **under** chapter 138 or the circuit court in its judgment may  
34 order all or any part of such taxes refunded to the taxpayer, or may authorize the  
35 collector to release and disburse all or any part of such taxes.

36         4. Trial of the action for recovery of taxes protested under subsection 1 of  
37 this section in the circuit court shall be in the manner prescribed for nonjury civil  
38 proceedings, and, after determination of the issues, the court shall make such  
39 orders as may be just and equitable to refund to the taxpayer all or any part of  
40 the current taxes paid under protest, together with any interest earned thereon,  
41 or to authorize the collector to release and disburse all or any part of the  
42 impounded taxes, and any interest earned thereon, to the appropriate officials of  
43 the taxing authorities. Either party to the proceedings may appeal the  
44 determination of the circuit court.

45           5. All the county collectors of taxes, and the collector of taxes in any city  
46 not within a county, shall, upon written application of a taxpayer, refund or credit  
47 against the taxpayer's tax liability in the following taxable year and subsequent  
48 consecutive taxable years until the taxpayer has received credit in full for any  
49 real or personal property tax mistakenly or erroneously levied against the  
50 taxpayer and collected in whole or in part by the collector. Such application shall  
51 be filed within three years after the tax is mistakenly or erroneously paid. The  
52 governing body, or other appropriate body or official of the county or city not  
53 within a county, shall make available to the collector funds necessary to make  
54 refunds under this subsection by issuing warrants upon the fund to which the  
55 mistaken or erroneous payment has been credited, or otherwise.

56           6. No taxpayer shall receive any interest on any money paid in by the  
57 taxpayer erroneously.

58           7. All protested taxes impounded under protest under subsection 1 of this  
59 section and all disputed taxes impounded under notice as required by section  
60 138.430 shall be invested by the collector in the same manner as assets specified  
61 in section 30.260 for investment of state moneys. A taxpayer who is entitled to  
62 a refund of protested or disputed taxes shall also receive the interest earned on  
63 the investment thereof. If the collector is ordered to release and disburse all or  
64 part of the taxes paid under protest or dispute to the proper official, such taxes  
65 shall be disbursed along with the proportional amount of interest earned on the  
66 investment of the taxes due the particular taxing authority.

67           8. Any taxing authority may request to be notified by the county collector  
68 of current taxes paid under protest. Such request shall be in writing and  
69 submitted on or before February first next following the delinquent date of  
70 current taxes paid under protest or disputed, and the county collector shall  
71 provide such information on or before March first of the same year to the  
72 requesting taxing authority of the taxes paid under protest and disputed taxes  
73 which would be received by such taxing authority if the funds were not the  
74 subject of a protest or dispute. Any taxing authority may apply to the circuit  
75 court of the county or city not within a county in which a collector has impounded  
76 protested or disputed taxes under this section and, upon a satisfactory showing  
77 that such taxing authority would receive such impounded tax funds if they were  
78 not the subject of a protest or dispute and that such taxing authority has the  
79 financial ability and legal capacity to repay such impounded tax funds in the  
80 event a decision ordering a refund to the taxpayer is subsequently made, the  
81 circuit court shall order, pendente lite, the disbursal of all or any part of such  
82 impounded tax funds to such taxing authority. The circuit court issuing an order

83 under this subsection shall retain jurisdiction of such matter for further  
84 proceedings, if any, to compel restitution of such tax funds to the taxpayer. In  
85 the event that any protested or disputed tax funds refunded to a taxpayer were  
86 disbursed to a taxing authority under this subsection instead of being held and  
87 invested by the collector under subsection 7 of this section, [such taxing authority  
88 shall pay the taxpayer entitled to the refund of such protested or disputed taxes  
89 the same amount of interest, as determined by the circuit court having  
90 jurisdiction in the matter, such protested or disputed taxes would have earned if  
91 they had been held and invested by the collector] **the taxpayer shall be**  
92 **entitled to interest on all refunded tax funds at the annual rate**  
93 **calculated by the state treasurer and applied by the director of revenue**  
94 **under section 32.068. This measure of interest shall only apply to**  
95 **protested or disputed tax funds actually distributed to a taxing**  
96 **authority pursuant to this subsection. In the event of a refund of**  
97 **protested or disputed tax funds which remain impounded by the**  
98 **collector, the taxpayer shall instead be entitled to the interest actually**  
99 **earned on those refunded impounded tax funds under subsection 7 of**  
100 **this section. Any sovereign or official immunity otherwise applicable**  
101 **to the taxing authorities is hereby waived for all purposes related to**  
102 **this subsection, and the taxpayer is expressly authorized to seek an**  
103 **order enforcing this provision from the circuit court that originally**  
104 **ordered the distribution of the protested or disputed funds, or directly**  
105 **from the state tax commission, if the tax appeal that resulted in the**  
106 **refund was heard and determined by the state tax commission.**

107 9. No appeal filed from the circuit court's or state tax commission's  
108 determination pertaining to the amount of refund shall stay any order of refund,  
109 but the decision filed by any court of last review modifying that determination  
110 shall be binding on the parties, and the decision rendered shall be complied with  
111 by the party affected by any modification within ninety days of the date of such  
112 decision. No taxpayer shall receive any interest on any additional award of  
113 refund, and the collector shall not receive any interest on any ordered return of  
114 refund in whole or in part.

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

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

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

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

16           (3) The amount of any deduction that is included in the computation of  
17 federal taxable income pursuant to Section 168 of the Internal Revenue Code as  
18 amended by the Job Creation and Worker Assistance Act of 2002 to the extent the  
19 amount deducted relates to property purchased on or after July 1, 2002, but  
20 before July 1, 2003, and to the extent the amount deducted exceeds the amount  
21 that would have been deductible pursuant to Section 168 of the Internal Revenue  
22 Code of 1986 as in effect on January 1, 2002;

23           (4) The amount of any deduction that is included in the computation of  
24 federal taxable income for net operating loss allowed by Section 172 of the  
25 Internal Revenue Code of 1986, as amended, other than the deduction allowed by  
26 Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as  
27 amended, for a net operating loss the taxpayer claims in the tax year in which the  
28 net operating loss occurred or carries forward for a period of more than twenty  
29 years and carries backward for more than two years. Any amount of net  
30 operating loss taken against federal taxable income but disallowed for Missouri  
31 income tax purposes pursuant to this subdivision after June 18, 2002, may be  
32 carried forward and taken against any income on the Missouri income tax return  
33 for a period of not more than twenty years from the year of the initial loss; and

34           (5) For nonresident individuals in all taxable years ending on or after  
35 December 31, 2006, the amount of any property taxes paid to another state or a  
36 political subdivision of another state for which a deduction was allowed on such  
37 nonresident's federal return in the taxable year unless such state, political  
38 subdivision of a state, or the District of Columbia allows a subtraction from  
39 income for property taxes paid to this state for purposes of calculating income for  
40 the income tax for such state, political subdivision of a state, or the District of  
41 Columbia.

42           **(6) For all tax years beginning on or after January 1, 2018, any**  
43 **interest expense paid or accrued in a previous taxable year, but**  
44 **allowed as a deduction under 26 U.S.C. 163, as amended, in the current**

45 **taxable year by reason of the carryforward of disallowed business**  
46 **interest provisions of 26 U.S.C. 163(j), as amended. For the purposes of**  
47 **this subdivision, an interest expense is considered paid or accrued only**  
48 **in the first taxable year the deduction would have been allowable**  
49 **under 26 U.S.C. 163, as amended, if the limitation under 26 U.S.C. 163(j),**  
50 **as amended, did not exist.**

51           3. There shall be subtracted from the taxpayer's federal adjusted gross  
52 income the following amounts to the extent included in federal adjusted gross  
53 income:

54           (1) Interest or dividends on obligations of the United States and its  
55 territories and possessions or of any authority, commission or instrumentality of  
56 the United States to the extent exempt from Missouri income taxes pursuant to  
57 the laws of the United States. The amount subtracted pursuant to this  
58 subdivision shall be reduced by any interest on indebtedness incurred to carry the  
59 described obligations or securities and by any expenses incurred in the production  
60 of interest or dividend income described in this subdivision. The reduction in the  
61 previous sentence shall only apply to the extent that such expenses including  
62 amortizable bond premiums are deducted in determining the taxpayer's federal  
63 adjusted gross income or included in the taxpayer's Missouri itemized  
64 deduction. The reduction shall only be made if the expenses total at least five  
65 hundred dollars;

66           (2) The portion of any gain, from the sale or other disposition of property  
67 having a higher adjusted basis to the taxpayer for Missouri income tax purposes  
68 than for federal income tax purposes on December 31, 1972, that does not exceed  
69 such difference in basis. If a gain is considered a long-term capital gain for  
70 federal income tax purposes, the modification shall be limited to one-half of such  
71 portion of the gain;

72           (3) The amount necessary to prevent the taxation pursuant to this chapter  
73 of any annuity or other amount of income or gain which was properly included in  
74 income or gain and was taxed pursuant to the laws of Missouri for a taxable year  
75 prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose  
76 death the taxpayer acquired the right to receive the income or gain, or to a trust  
77 or estate from which the taxpayer received the income or gain;

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

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

82           (6) The portion of capital gain specified in section 135.357 that would

83 otherwise be included in federal adjusted gross income;

84 (7) The amount that would have been deducted in the computation of  
85 federal taxable income pursuant to Section 168 of the Internal Revenue Code as  
86 in effect on January 1, 2002, to the extent that amount relates to property  
87 purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that  
88 amount exceeds the amount actually deducted pursuant to Section 168 of the  
89 Internal Revenue Code as amended by the Job Creation and Worker Assistance  
90 Act of 2002;

91 (8) For all tax years beginning on or after January 1, 2005, the amount  
92 of any income received for military service while the taxpayer serves in a combat  
93 zone which is included in federal adjusted gross income and not otherwise  
94 excluded therefrom. As used in this section, "combat zone" means any area which  
95 the President of the United States by Executive Order designates as an area in  
96 which Armed Forces of the United States are or have engaged in combat. Service  
97 is performed in a combat zone only if performed on or after the date designated  
98 by the President by Executive Order as the date of the commencing of combat  
99 activities in such zone, and on or before the date designated by the President by  
100 Executive Order as the date of the termination of combatant activities in such  
101 zone;

102 (9) For all tax years ending on or after July 1, 2002, with respect to  
103 qualified property that is sold or otherwise disposed of during a taxable year by  
104 a taxpayer and for which an additional modification was made under subdivision  
105 (3) of subsection 2 of this section, the amount by which additional modification  
106 made under subdivision (3) of subsection 2 of this section on qualified property  
107 has not been recovered through the additional subtractions provided in  
108 subdivision (7) of this subsection; [and]

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

113 (a) Livestock Forage Disaster Program;

114 (b) Livestock Indemnity Program;

115 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised  
116 Fish;

117 (d) Emergency Conservation Program;

118 (e) Noninsured Crop Disaster Assistance Program;

119 (f) Pasture, Rangeland, Forage Pilot Insurance Program;

120 (g) Annual Forage Pilot Program;

121 (h) Livestock Risk Protection Insurance Plan; and

122 (i) Livestock Gross Margin insurance plan; and

123 **(11) For all tax years beginning on or after January 1, 2018, any**  
124 **interest expense paid or accrued in the current taxable year, but not**  
125 **deducted as a result of the limitation imposed under 26 U.S.C. 163(j), as**  
126 **amended. For the purposes of this subdivision, an interest expense is**  
127 **considered paid or accrued only in the first taxable year the deduction**  
128 **would have been allowable under 26 U.S.C. 163, as amended, if the**  
129 **limitation under 26 U.S.C. 163(j), as amended, did not exist.**

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

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

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

141 7. (1) As used in this subsection, "qualified health insurance premium"  
142 means the amount paid during the tax year by such taxpayer for any insurance  
143 policy primarily providing health care coverage for the taxpayer, the taxpayer's  
144 spouse, or the taxpayer's dependents.

145 (2) In addition to the subtractions in subsection 3 of this section, one  
146 hundred percent of the amount of qualified health insurance premiums shall be  
147 subtracted from the taxpayer's federal adjusted gross income to the extent the  
148 amount paid for such premiums is included in federal taxable income. The  
149 taxpayer shall provide the department of revenue with proof of the amount of  
150 qualified health insurance premiums paid.

151 8. (1) Beginning January 1, 2014, in addition to the subtractions provided  
152 in this section, one hundred percent of the cost incurred by a taxpayer for a home  
153 energy audit conducted by an entity certified by the department of natural  
154 resources under section 640.153 or the implementation of any energy efficiency  
155 recommendations made in such an audit shall be subtracted from the taxpayer's  
156 federal adjusted gross income to the extent the amount paid for any such activity  
157 is included in federal taxable income. The taxpayer shall provide the department  
158 of revenue with a summary of any recommendations made in a qualified home

159 energy audit, the name and certification number of the qualified home energy  
160 auditor who conducted the audit, and proof of the amount paid for any activities  
161 under this subsection for which a deduction is claimed. The taxpayer shall also  
162 provide a copy of the summary of any recommendations made in a qualified home  
163 energy audit to the department of natural resources.

164 (2) At no time shall a deduction claimed under this subsection by an  
165 individual taxpayer or taxpayers filing combined returns exceed one thousand  
166 dollars per year for individual taxpayers or cumulatively exceed two thousand  
167 dollars per year for taxpayers filing combined returns.

168 (3) Any deduction claimed under this subsection shall be claimed for the  
169 tax year in which the qualified home energy audit was conducted or in which the  
170 implementation of the energy efficiency recommendations occurred. If  
171 implementation of the energy efficiency recommendations occurred during more  
172 than one year, the deduction may be claimed in more than one year, subject to the  
173 limitations provided under subdivision (2) of this subsection.

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

178 9. The provisions of subsection 8 of this section shall expire on December  
179 31, 2020.

**143.732. 1. Notwithstanding any provision of law to the contrary,  
2 no taxpayer who has an individual tax liability under chapter 143 for  
3 the tax year beginning January 1, 2018, and ending December 31, 2018,  
4 shall be assessed any penalty before December 31, 2019, for a delayed  
5 payment or underpayment on such liability, provided that such  
6 taxpayer timely files his or her individual income tax return for such  
7 tax year and participates, in good faith, in any payment plan  
8 authorized by the department of revenue with respect to such  
9 liability. Such taxpayer may nonetheless be assessed interest on such  
10 liability under the provisions of section 143.731 and any other relevant  
11 provision of law, provided that no interest on such liability shall be  
12 assessed before May 15, 2019. If such taxpayer paid interest or penalty  
13 on such liability under the provisions of section 143.731 and any other  
14 relevant provision of law before May 15, 2019, he or she shall be  
15 entitled to a refund of such interest or penalty, which shall be due no  
16 later than December 31, 2019.**

17 **2. The department of revenue is authorized to adopt such rules**

18 and regulations as are reasonable and necessary to implement the  
19 provisions of this section. Any rule or portion of a rule, as that term is  
20 defined in section 536.010, that is created under the authority delegated  
21 in this section shall become effective only if it complies with and is  
22 subject to all of the provisions of chapter 536 and, if applicable, section  
23 536.028. This section and chapter 536 are nonseverable, and if any of  
24 the powers vested with the general assembly pursuant to chapter 536  
25 to review, to delay the effective date, or to disapprove and annul a rule  
26 are subsequently held unconstitutional, then the grant of rulemaking  
27 authority and any rule proposed or adopted after the effective date of  
28 this section shall be invalid and void.

29 3. Under section 23.253 of the Missouri sunset act:

30 (1) The provisions of the new program authorized under this  
31 section shall automatically sunset on December 31, 2019; and

32 (2) This section shall terminate on December thirty-first of the  
33 calendar year immediately following the calendar year in which the  
34 program authorized under this section is sunset.

143.980. 1. This section shall be known as the "Taxpayer  
2 Protection Act".

3 2. For purposes of this section, the following terms shall mean:

4 (1) "Department", the Missouri department of revenue;

5 (2) "Paid tax return preparer", a person who prepares for  
6 compensation, or who employs one or more person to prepare for  
7 compensation, any income tax return or claim for refund required to  
8 be filed under this chapter. The preparation of a substantial portion  
9 of a return or claim for refund shall be treated as the preparation of  
10 such return or claim for refund. A paid tax return preparer shall not  
11 include any certified public accountant who holds an active license  
12 issued by any state and the employees of such certified public  
13 accountant or certified public accounting firm or an enrolled agent  
14 entitled to practice before the federal Internal Revenue Service under  
15 31 C.F.R. Section 10.4;

16 (3) "Willful or reckless conduct", the same meaning as provided  
17 under 26 U.S.C. Section 6694(b)(2).

18 3. For all tax years beginning on or after January 1, 2020, any  
19 income return or claim for refund prepared by a paid tax return  
20 preparer shall be signed by the paid tax return preparer and shall bear  
21 the paid tax return preparer's Internal Revenue Service preparer tax  
22 identification number. Any person who is the paid tax return preparer

23 with respect to any tax return or claim for refund and who fails to sign  
24 the return or claim for refund, or who fails to provide his or her  
25 preparer tax identification number, shall pay a penalty of fifty dollars  
26 for each such failure, unless it can be shown that the failure was due  
27 to reasonable cause and not willful or reckless conduct. The aggregate  
28 penalty that may be imposed by the department on any paid tax return  
29 preparer with respect to returns or claims for refund filed during any  
30 calendar year shall not exceed twenty-five thousand dollars per paid  
31 tax return preparer.

32 4. (1) In a court of competent jurisdiction, the director of the  
33 department may commence suit to enjoin any paid tax return preparer  
34 from further engaging in any conduct described under subdivision 2 of  
35 this subsection or from further action as a paid tax return preparer.

36 (2) In any action under subdivision 1 of this subsection, if the  
37 court finds that injunctive relief is appropriate to prevent the  
38 recurrence of this conduct, the court may enjoin the paid tax return  
39 preparer from further engaging in any conduct specified in this  
40 subdivision. The court may enjoin conduct when a paid tax return  
41 preparer has done any of the following:

42 (a) Prepared any income tax return or claim for refund that  
43 includes an understatement of a taxpayer's liability due to an  
44 unreasonable position. For purposes of this subdivision, the term  
45 "unreasonable position" shall have the same meaning as provided under  
46 26 U.S.C. Section 6694(a)(2);

47 (b) Prepared any income tax return or claim for refund that  
48 includes an understatement of a taxpayer's liability due to the paid tax  
49 return preparer's willful or reckless conduct;

50 (c) Where required, failed to sign an income tax return or claim  
51 for refund;

52 (d) Where required, failed to furnish his or her preparer tax  
53 identification number;

54 (e) Where required, failed to retain a copy of the income tax  
55 return;

56 (f) Where required by due diligence requirements imposed under  
57 department rules and regulations, failed to be diligent in determining  
58 eligibility for tax benefits;

59 (g) Negotiated a check issued to a taxpayer by the department  
60 without the permission of the taxpayer;

61 (h) Engaged in any conduct subject to any criminal penalty

62 provided under chapters 135 to 155;

63 (i) Misrepresented the paid tax return preparer's eligibility to  
64 practice to the department or otherwise misrepresented the paid tax  
65 return preparer's experience or education;

66 (j) Guaranteed the payment of any income tax refund or the  
67 allowance of any income tax credit; or

68 (k) Engaged in any other fraudulent or deceptive conduct that  
69 substantially interferes with the proper administration of the tax laws  
70 of this state.

71 (3) (a) If the court finds that a paid tax return preparer has  
72 continually or repeatedly engaged in any conduct described under  
73 subdivision 2 of this subsection and that an injunction prohibiting the  
74 conduct would not be sufficient to prevent the person's interference  
75 with the proper administration of the tax laws of this state, the court  
76 may enjoin the person from acting as a paid tax return preparer in this  
77 state.

78 (b) The fact that the person has been enjoined from preparing  
79 tax returns or claims for refund for the United States or any other state  
80 in the five years preceding the petition for an injunction shall establish  
81 a prima facie case for an injunction to be issued under this  
82 section. For purposes of this paragraph, the term "state" shall mean a  
83 state of the United States, the District of Columbia, Puerto Rico, United  
84 States Virgin Islands, or any territory or insular possession subject to  
85 the jurisdiction of the United States.

143.1026. 1. This section shall be known and may be cited as "Sahara's  
2 Law".

3 2. For all taxable years beginning on or after January 1, 2013, each  
4 individual or corporation entitled to a tax refund in an amount sufficient to make  
5 a designation under this section may designate that one dollar or any amount in  
6 excess of one dollar on a single return, and two dollars or any amount in excess  
7 of two dollars on a combined return, of the refund due be credited to the pediatric  
8 cancer research trust fund. If any individual or corporation that is not entitled  
9 to a tax refund in an amount sufficient to make a designation under this section  
10 wishes to make a contribution to the fund, such individual or corporation may,  
11 by separate check, draft, or other negotiable instrument, send in with the  
12 payment of taxes, or may send in separately, that amount the individual or  
13 corporation wishes to contribute. Such amounts shall be clearly designated for  
14 the fund.

15 3. There is hereby created in the state treasury the "Pediatric Cancer

16 Research Trust Fund", which shall consist of money collected under this  
17 section. The state treasurer shall be custodian of the fund. In accordance with  
18 sections 30.170 and 30.180, the state treasurer may approve disbursements. The  
19 fund shall be a dedicated fund and, upon appropriation, money in the fund shall  
20 be used solely for the administration of this section. Notwithstanding the  
21 provisions of section 33.080 to the contrary, any moneys remaining in the fund  
22 at the end of the biennium shall not revert to the credit of the general revenue  
23 fund. The state treasurer shall invest moneys in the fund in the same manner  
24 as other funds are invested. Any interest and moneys earned on such  
25 investments shall be credited to the fund. All moneys credited to the trust fund  
26 shall be considered [nonstate] **state funds** under Section 15, Article IV,  
27 Constitution of Missouri, **but shall not be included in the calculation of**  
28 **total state revenue under Section 18, Article X of the Missouri**  
29 **Constitution.** The treasurer shall distribute all moneys deposited in the fund  
30 at times the treasurer deems appropriate to CureSearch for Children's Cancer.

31           4. The director of revenue shall deposit at least monthly all contributions  
32 designated by individuals under this section to the state treasurer for deposit to  
33 the fund. The director of revenue shall deposit at least monthly all contributions  
34 designated by the corporations under this section, less an amount sufficient to  
35 cover the costs of collection and handling by the department of revenue, to the  
36 state treasury for deposit to the fund. A contribution designated under this  
37 section shall only be deposited in the fund after all other claims against the  
38 refund from which such contribution is to be made have been satisfied.

39           5. Under section 23.253 of the Missouri sunset act:

40           (1) The provisions of the new program authorized under this section shall  
41 automatically sunset on December thirty-first [six] **five** years after August 28,  
42 [2013] **2019**, unless reauthorized by an act of the general assembly; and

43           (2) If such program is reauthorized, the program authorized under this  
44 section shall automatically sunset on December thirty-first twelve years after the  
45 effective date of the reauthorization of this section; and

46           (3) This section shall terminate on September first of the calendar year  
47 immediately following the calendar year in which the program authorized under  
48 this section is sunset. The termination of the program as described in this  
49 subsection shall not be construed to preclude any taxpayer who claims any benefit  
50 under any program that is sunset under this subsection from claiming such  
51 benefit for all allowable activities related to such claim that were completed  
52 before the program was sunset, or to eliminate any responsibility of the  
53 administering agency to verify the continued eligibility of projects receiving tax

54 credits and to enforce other requirements of law that applied before the program  
55 was sunset.

143.1028. 1. For all tax years beginning on or after January 1,  
2 2019, and ending before January 1, 2024, each individual or corporation  
3 entitled to a tax refund in an amount sufficient to make a designation  
4 under this section may designate that one dollar or any amount in  
5 excess of one dollar on a single return, or two dollars or any amount in  
6 excess of two dollars on a combined return, of the refund due be  
7 credited to the Kansas City Regional Law Enforcement Memorial  
8 Foundation Fund, hereinafter referred to as the fund. The contribution  
9 designation authorized by this section shall be clearly and  
10 unambiguously printed on the first page of each income tax return form  
11 provided by this state. If any individual or corporation that is not  
12 entitled to a tax refund in an amount sufficient to make a designation  
13 under this section wishes to make a contribution to the foundation,  
14 such individual or corporation may, by separate check, draft, or other  
15 negotiable instrument, send in with the payment of taxes, or may send  
16 in separately, that amount the individual wishes to contribute. Such  
17 amounts shall be clearly designated for the fund.

18 2. There is hereby created in the state treasury the "Kansas City  
19 Regional Law Enforcement Memorial Foundation Fund", which shall  
20 consist of moneys collected under this section. The state treasurer  
21 shall be custodian of the fund. In accordance with sections 30.170 and  
22 30.180, the state treasurer may approve disbursements. The fund shall  
23 be a dedicated fund and, upon appropriation, moneys in this fund shall  
24 be used solely for the administration of this section. Notwithstanding  
25 the provisions of section 33.080 to the contrary, any moneys remaining  
26 in the fund at the end of the biennium shall not revert to the credit of  
27 the general revenue fund. The state treasurer shall invest moneys in  
28 the fund in the same manner as other funds are invested. Any interest  
29 and moneys earned on such investments shall be credited to the  
30 fund. The director of the department of revenue shall establish a  
31 procedure by which the moneys deposited in the fund shall be  
32 distributed at least monthly to the Kansas City Regional Law  
33 Enforcement Memorial Foundation.

34 3. The director of revenue shall deposit at least monthly all  
35 contributions designated by individuals and corporations under this  
36 section, less an amount sufficient to cover the costs of collection and  
37 handling by the department of revenue, to the state treasurer for

38 deposit to the fund. A contribution designated under this section shall  
39 only be deposited in the fund after all other claims against the refund  
40 from which such contribution is to be made have been satisfied.

143.1029. 1. For all tax years beginning on or after January 1,  
2 2019, and ending before January 1, 2024, each individual or corporation  
3 entitled to a tax refund in an amount sufficient to make a designation  
4 under this section may designate that one dollar or any amount in  
5 excess of one dollar on a single return, or two dollars or any amount in  
6 excess of two dollars on a combined return, of the refund due be  
7 credited to the Soldiers Memorial Military Museum in St. Louis Fund,  
8 hereinafter referred to as the fund. The contribution designation  
9 authorized by this section shall be clearly and unambiguously printed  
10 on the first page of each income tax return form provided by this state.  
11 If any individual or corporation that is not entitled to a tax refund in  
12 an amount sufficient to make a designation under this section wishes  
13 to make a contribution to the foundation, such individual or  
14 corporation may, by separate check, draft, or other negotiable  
15 instrument, send in with the payment of taxes, or may send in  
16 separately, that amount the individual wishes to contribute. Such  
17 amounts shall be clearly designated for the fund.

18 2. There is hereby created in the state treasury the "Soldiers  
19 Memorial Military Museum in St. Louis Fund", which shall consist of  
20 moneys collected under this section. The state treasurer shall be  
21 custodian of the fund. In accordance with sections 30.170 and 30.180,  
22 the state treasurer may approve disbursements. The fund shall be a  
23 dedicated fund and, upon appropriation, moneys in this fund shall be  
24 used solely for the administration of this section. Notwithstanding the  
25 provisions of section 33.080 to the contrary, any moneys remaining in  
26 the fund at the end of the biennium shall not revert to the credit of the  
27 general revenue fund. The state treasurer shall invest moneys in the  
28 fund in the same manner as other funds are invested. Any interest and  
29 moneys earned on such investments shall be credited to the fund. The  
30 director of the department of revenue shall establish a procedure by  
31 which the moneys deposited in the fund shall be distributed at least  
32 monthly to the Missouri Historical Society for the purposes funding  
33 operations at Soldiers Memorial Military Museum.

34 3. The director of revenue shall deposit at least monthly all  
35 contributions designated by individuals and corporations under this  
36 section, less an amount sufficient to cover the costs of collection and

37 **handling by the department of revenue, to the state treasurer for**  
38 **deposit to the fund. A contribution designated under this section shall**  
39 **only be deposited in the fund after all other claims against the refund**  
40 **from which such contribution is to be made have been satisfied.**

144.088. 1. For purposes of this section, the following terms shall  
2 **mean:**

3 (1) "Sales invoice", any document, in either paper or electronic  
4 format, which lists items to be sold as part of a sales transaction and  
5 states the prices of such items; and

6 (2) "Sales receipt", any document, in either paper or electronic  
7 format, which lists items sold as part of a sales transaction and states  
8 the prices of such items.

9 2. Any seller who sells more than five hundred thousand dollars  
10 worth of goods per year and provides a purchaser with a sales receipt  
11 or sales invoice in conjunction with a sale, as defined under section  
12 144.010, shall clearly state on such sales receipt or sales invoice the  
13 total rate of all sales tax imposed on the sale referenced by such  
14 document. This total rate shall reflect any applicable state or local  
15 sales tax authorized under the laws of this state.

144.190. 1. If a tax has been incorrectly computed by reason of a clerical  
2 error or mistake on the part of the director of revenue, such fact shall be set forth  
3 in the records of the director of revenue, and the amount of the overpayment shall  
4 be credited on any taxes then due from the person legally obligated to remit the  
5 tax [pursuant to sections 144.010 to 144.525] **under chapter 144**, and the  
6 balance shall be refunded to the person legally obligated to remit the tax, such  
7 person's administrators or executors, as provided for in section 144.200.

8 2. If any tax, penalty or interest has been paid more than once, or has  
9 been erroneously or illegally collected, or has been erroneously or illegally  
10 computed, such sum shall be credited on any taxes then due from the person  
11 legally obligated to remit the tax [pursuant to sections 144.010 to 144.525] **under**  
12 **chapter 144**, and the balance, with interest as determined by section 32.065,  
13 shall be refunded to the person legally obligated to remit the tax, but no such  
14 credit or refund shall be allowed unless duplicate copies of a claim for refund are  
15 filed within [three] **ten** years from date of overpayment.

16 3. Every claim for refund must be in writing and signed by the applicant,  
17 and must state the specific grounds upon which the claim is founded. Any refund  
18 or any portion thereof which is erroneously made, and any credit or any portion  
19 thereof which is erroneously allowed, may be recovered in any action brought by

20 the director of revenue against the person legally obligated to remit the tax. In  
21 the event that a tax has been illegally imposed against a person legally obligated  
22 to remit the tax, the 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 purchaser that  
25 originally paid sales or use tax to a vendor or seller may submit a refund claim  
26 directly to the director of revenue for such sales or use taxes paid to such vendor  
27 or seller and remitted to the director, provided no sum shall be refunded more  
28 than once, any such claim shall be subject to any offset, defense, or other claim  
29 the director otherwise would have against either the purchaser or vendor or  
30 seller, and such claim for refund is accompanied by either:

31 (1) A notarized assignment of rights statement by the vendor or seller to  
32 the purchaser allowing the purchaser to seek the refund on behalf of the vendor  
33 or seller. An assignment of rights statement shall contain the Missouri sales or  
34 use tax registration number of the vendor or seller, a list of the transactions  
35 covered by the assignment, the tax periods and location for which the original  
36 sale was reported to the director of revenue by the vendor or seller, and a  
37 notarized statement signed by the vendor or seller affirming that the vendor or  
38 seller has not received a refund or credit, will not apply for a refund or credit of  
39 the tax collected on any transactions covered by the assignment, and authorizes  
40 the director to amend the seller's return to reflect the refund; or

41 (2) In the event the vendor or seller fails or refuses to provide an  
42 assignment of rights statement within sixty days from the date of such  
43 purchaser's written request to the vendor or seller, or the purchaser is not able  
44 to locate the vendor or seller or the vendor or seller is no longer in business, the  
45 purchaser may provide the director a notarized statement confirming the efforts  
46 that have been made to obtain an assignment of rights from the vendor or  
47 seller. Such statement shall contain a list of the transactions covered by the  
48 assignment, the tax periods and location for which the original sale was reported  
49 to the director of revenue by the vendor or seller.

50 The director shall not require such vendor, seller, or purchaser to submit  
51 amended returns for refund claims submitted under the provisions of this  
52 subsection. Notwithstanding the provisions of section 32.057, if the seller is  
53 registered with the director for collection and remittance of sales tax, the director  
54 shall notify the seller at the seller's last known address of the claim for refund.  
55 If the seller objects to the refund within thirty days of the date of the notice, the  
56 director shall not pay the refund. If the seller agrees that the refund is  
57 warranted or fails to respond within thirty days, the director may issue the

58 refund and amend the seller's return to reflect the refund. For purposes of  
59 section 32.069, the refund claim shall not be considered to have been filed until  
60 the seller agrees that the refund is warranted or thirty days after the date the  
61 director notified the seller and the seller failed to respond.

62         5. Notwithstanding the provisions of section 32.057, when a vendor files  
63 a refund claim on behalf of a purchaser and such refund claim is denied by the  
64 director, notice of such denial and the reason for the denial shall be sent by the  
65 director to the vendor and each purchaser whose name and address is submitted  
66 with the refund claim form filed by the vendor. A purchaser shall be entitled to  
67 appeal the denial of the refund claim within sixty days of the date such notice of  
68 denial is mailed by the director as provided in section 144.261. The provisions  
69 of this subsection shall apply to all refund claims filed after August 28,  
70 2012. The provisions of this subsection allowing a purchaser to appeal the  
71 director's decision to deny a refund claim shall also apply to any refund claim  
72 denied by the director on or after January 1, 2007, if an appeal of the denial of  
73 the refund claim is filed by the purchaser no later than September 28, 2012, and  
74 if such claim is based solely on the issue of the exemption of the electronic  
75 transmission or delivery of computer software.

76         6. Notwithstanding the provisions of this section, the director of revenue  
77 shall authorize direct-pay agreements to purchasers which have annual purchases  
78 in excess of seven hundred fifty thousand dollars pursuant to rules and  
79 regulations adopted by the director of revenue. For the purposes of such direct-  
80 pay agreements, the taxes authorized [pursuant to] **under** chapters 66, 67, 70,  
81 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of  
82 the place of business of the purchaser.

83         7. Special rules applicable to error corrections requested by customers of  
84 mobile telecommunications service are as follows:

85             (1) For purposes of this subsection, the terms "customer", "home service  
86 provider", "place of primary use", "electronic database", and "enhanced zip code"  
87 shall have the same meanings as defined in the Mobile Telecommunications  
88 Sourcing Act incorporated by reference in section 144.013;

89             (2) Notwithstanding the provisions of this section, if a customer of mobile  
90 telecommunications services believes that the amount of tax, the assignment of  
91 place of primary use or the taxing jurisdiction included on a billing is erroneous,  
92 the customer shall notify the home service provider, in writing, within three years  
93 from the date of the billing statement. The customer shall include in such  
94 written notification the street address for the customer's place of primary use, the  
95 account name and number for which the customer seeks a correction of the tax

96 assignment, a description of the error asserted by the customer and any other  
97 information the home service provider reasonably requires to process the request;  
98 (3) Within sixty days of receiving the customer's notice, the home service  
99 provider shall review its records and the electronic database or enhanced zip code  
100 to determine the customer's correct taxing jurisdiction. If the home service  
101 provider determines that the review shows that the amount of tax, assignment  
102 of place of primary use or taxing jurisdiction is in error, the home service  
103 provider shall correct the error and, at its election, either refund or credit the  
104 amount of tax erroneously collected to the customer for a period of up to three  
105 years from the last day of the home service provider's sixty-day review period. If  
106 the home service provider determines that the review shows that the amount of  
107 tax, the assignment of place of primary use or the taxing jurisdiction is correct,  
108 the home service provider shall provide a written explanation of its determination  
109 to the customer.

110 8. For all refund claims submitted to the department of revenue on or  
111 after September 1, 2003, notwithstanding any provision of this section to the  
112 contrary, if a person legally obligated to remit the tax levied [pursuant to sections  
113 144.010 to 144.525] **under chapter 144** has received a refund of such taxes for  
114 a specific issue and submits a subsequent claim for refund of such taxes on the  
115 same issue for a tax period beginning on or after the date the original refund  
116 check issued to such person, no refund shall be allowed. This subsection shall not  
117 apply and a refund shall be allowed if the refund claim is filed by a purchaser  
118 under the provisions of subsection 4 of this section, the refund claim is for use tax  
119 remitted by the purchaser, or an additional refund claim is filed by a person  
120 legally obligated to remit the tax due to any of the following:

- 121 (1) Receipt of additional information or an exemption certificate from the  
122 purchaser of the item at issue;
- 123 (2) A decision of a court of competent jurisdiction or the administrative  
124 hearing commission; or
- 125 (3) Changes in regulations or policy by the department of revenue.

126 9. Notwithstanding any provision of law to the contrary, the director of  
127 revenue shall respond to a request for a binding letter ruling filed in accordance  
128 with section 536.021 within sixty days of receipt of such request. If the director  
129 of revenue fails to respond to such letter ruling request within sixty days of  
130 receipt by the director, the director of revenue shall be barred from pursuing  
131 collection of any assessment of sales or use tax with respect to the issue which is  
132 the subject of the letter ruling request. For purposes of this subsection, the term  
133 "letter ruling" means a written interpretation of law by the director to a specific

134 set of facts provided by a specific taxpayer or his or her agent.

135           10. If any tax was paid more than once, was incorrectly collected, or was  
136 incorrectly computed, such sum shall be credited on any taxes then due from the  
137 person legally obligated to remit the tax [pursuant to sections 144.010 to 144.510]  
138 **under chapter 144** against any deficiency or tax due discovered through an  
139 audit of the person by the department of revenue through adjustment during the  
140 same tax filing period for which the audit applied.

          313.905. As used in sections 313.900 to 313.955, the following terms shall  
2 mean:

3           (1) "Authorized internet website", an internet website or any platform  
4 operated by a licensed operator;

5           (2) "Commission", the Missouri gaming commission;

6           (3) "Entry fee", anything of value including, but not limited to, cash or a  
7 cash equivalent that a fantasy sports contest operator collects in order to  
8 participate in a fantasy sports contest;

9           (4) "Fantasy sports contest", any fantasy or simulated game or contest  
10 with an entry fee[, conducted on an internet website or any platform,] in which:

11           (a) The value of all prizes and awards offered to the winning participants  
12 is established and made known in advance of the contest;

13           (b) All winning outcomes reflect in part the relative knowledge and skill  
14 of the participants and are determined predominantly by the accumulated  
15 statistical results of the performance of individuals, including athletes in the case  
16 of sports events; and

17           (c) No winnings outcomes are based on the score, point spread, or any  
18 performance of any single actual team or combination of teams or solely on any  
19 single performance of an individual athlete or player in any single actual event;

20           (5) "Fantasy sports contest operator", any person [or], entity, **or division**  
21 **of a corporate entity** that offers [fantasy sports contests for a prize] **a**  
22 **platform for the playing of fantasy contests, administers one or more**  
23 **fantasy contests with an entry fee, and awards a prize of value;**

24           (6) "Highly experienced player", a person who has either:

25           (a) Entered more than one thousand contests offered by a single fantasy  
26 sports contest operator; or

27           (b) Won more than three fantasy sports prizes of one thousand dollars or  
28 more;

29           (7) "Licensed operator", a fantasy sports contest operator licensed  
30 pursuant to section 313.910 to offer fantasy sports contests for play on an  
31 authorized internet website in Missouri;

32 (8) "Location", the geographical position of a person as  
33 determined within a degree of accuracy consistent with generally  
34 available internet protocol address locators;

35 (9) "Location percentage", for all fantasy sports contests, the  
36 percentage, rounded to the nearest one-tenth of one percent, of the  
37 total entry fees collected from registered players located in the state of  
38 Missouri at the time of entry into a fantasy contest, divided by the total  
39 entry fees collected from all players, regardless of the players' location,  
40 of the fantasy sports contests;

41 (10) "Minor", any person less than eighteen years of age;

42 [(9)] (11) "Net revenue", for all fantasy sports contests, the amount equal  
43 to the total entry fees collected from all participants entering such fantasy sports  
44 contests less winnings paid to participants in the contests, multiplied by the  
45 [resident] location percentage;

46 [(10)] (12) "Player", a person who participates in a fantasy sports contest  
47 offered by a fantasy sports contest operator;

48 [(11)] (13) "Prize", anything of value including, but not limited to, cash  
49 or a cash equivalent, contest credits, merchandise, or admission to another  
50 contest in which a prize may be awarded;

51 [(12)] (14) "Registered player", a person registered pursuant to section  
52 313.920 to participate in a fantasy sports contest [on an authorized internet  
53 website];

54 [(13)] "Resident percentage", for all fantasy sports contests, the percentage,  
55 rounded to nearest one-tenth of one percent, of the total entry fees collected from  
56 Missouri residents divided by the total entry fees collected from all players,  
57 regardless of the players' location, of the fantasy sports contests; and

58 (14) (15) "Script", a list of commands that a fantasy-sports-related  
59 computer program can execute to automate processes on a fantasy sports contest  
60 platform.

313.915. 1. In order to ensure the protection of registered players, an  
2 authorized internet website shall identify the person or entity that is the licensed  
3 operator.

4 2. A licensed operator shall ensure that fantasy sports contests on its  
5 authorized internet website comply with all of the following:

6 (1) All winning outcomes are determined by accumulated statistical  
7 results of fully completed contests or events, and not merely any portion thereof,  
8 except that fantasy participants may be credited for statistical results  
9 accumulated in a suspended or shortened contest or event which has been called

10 on account of weather or other natural or unforeseen event;

11 (2) [A licensed operator shall not allow] Registered players [to] **shall not**  
12 select athletes through an autodraft that does not involve any input or control by  
13 a registered player, or to choose preselected teams of athletes;

14 (3) [A licensed operator shall not offer or award] A prize **shall not be**  
15 **offered to or awarded** to the winner of, or athletes in, the underlying  
16 competition itself; and

17 (4) [A licensed operator shall not offer] Fantasy sports contests **shall not**  
18 **be** based on the performances of participants in [collegiate,] high school[,] or  
19 youth athletics.

20 3. A licensed operator shall have procedures approved by the commission  
21 before operating in Missouri that:

22 (1) [Prevents] **Prevent** unauthorized withdrawals from a registered  
23 player's account by the licensed operator or others;

24 (2) [Makes] **Make** clear that funds in a registered player's account are not  
25 the property of the licensed operator and are not available to the licensed  
26 operator's creditors;

27 (3) Segregate player funds from operational funds **as provided under**  
28 **subsections 4 and 5 of this section;**

29 (4) [Maintain a reserve in the form of cash or cash equivalents in the  
30 amount of the deposits made to the accounts of fantasy sports contest players for  
31 the benefit and protection of the funds held in such accounts;

32 (5) [Ensures] **Ensure** any prize won by a registered player from  
33 participating in a fantasy sports contest is deposited into the registered player's  
34 account within forty-eight hours **or mailed within five business days** of  
35 winning the prize **except as provided under section 313.917;**

36 [(6)] **(5)** [Ensures] **Ensure** registered players can withdraw the funds  
37 maintained in their individual accounts, whether such accounts are open or  
38 closed, within five business days of the request being made, unless the licensed  
39 operator believes in good faith that the registered player engaged in either  
40 fraudulent conduct or other conduct that would put the licensed operator in  
41 violation of sections 313.900 to 313.955, in which case the licensed operator may  
42 decline to honor the request for withdrawal for a reasonable investigatory period  
43 until its investigation is resolved if it provides notice of the nature of the  
44 investigation to the registered player. For the purposes of this provision, a  
45 request for withdrawal will be considered honored if it is processed by the  
46 licensed operator but delayed by a payment processor, credit card issuer or by the  
47 custodian of a financial account;

48            ~~[(7)]~~ **(6)** ~~[Allows]~~ **Allow** a registered player to permanently close their  
49 account at any time for any reason; and

50            ~~[(8)]~~ **(7)** ~~[Offers]~~ **Offer** registered players access to their play history and  
51 account details.

52            **4. A properly constituted special purpose entity shall be**  
53 **approved by the commission as a sufficient means of segregating player**  
54 **funds from operational funds. A properly constituted special purpose**  
55 **entity shall:**

56            **(1) Have a governing board that includes one or more corporate**  
57 **directors who are independent of the fantasy sports contest operator**  
58 **and of any corporation controlled by the fantasy sports contest**  
59 **operator;**

60            **(2) Hold, at a minimum, the sum of all authorized player funds**  
61 **held in player accounts for use in fantasy sports contests;**

62            **(3) Reasonably protect the funds against claims of the operator's**  
63 **creditors other than the authorized players for whose benefit and**  
64 **protection the special purpose entity is established;**

65            **(4) Distribute funds only for the following purposes:**

66            **(a) For player account balance withdrawals or partial balance**  
67 **withdrawals made upon the specific request of the player;**

68            **(b) For income earned on the account, and owed to the fantasy**  
69 **sports operator, calculated as the remainder of all entry fees paid by**  
70 **users for fantasy sports contests minus all user winnings and cash**  
71 **bonuses paid or owed to users, payable to the fantasy sports contest**  
72 **operator;**

73            **(c) To the Missouri gaming commission in the event that the**  
74 **fantasy sports operator's license expires, is surrendered, or is**  
75 **otherwise revoked. The Missouri gaming commission may interplead**  
76 **the funds in the Cole County circuit court for distribution to the**  
77 **authorized players for whose protection and benefit the account was**  
78 **established and to other such persons as the court determines are**  
79 **entitled thereto, or shall take such other steps as necessary to effect**  
80 **the proper distribution of the funds, or may do both; or**

81            **(d) As authorized in writing in advance by any agreement**  
82 **approved by the Missouri gaming commission;**

83            **(5) Require a unanimous vote of all corporate directors to file**  
84 **bankruptcy;**

85            **(6) Obtain permission from the Missouri gaming commission**  
86 **prior to filing bankruptcy or entering into receivership;**

87           **(7) Have corporate governance requirements which prohibit**  
88 **commingling of funds with that of the fantasy sports contest operator**  
89 **except as necessary to reconcile the accounts of players with sums**  
90 **owed by those players to the fantasy sports contest operator;**

91           **(8) Be restricted from incurring debt other than to fantasy sports**  
92 **players under the rules that govern their accounts for contests;**

93           **(9) Be restricted from taking on obligations of the fantasy sports**  
94 **contest operator other than obligations to players under the rules that**  
95 **govern their accounts for contests; and**

96           **(10) Be prohibited from dissolving, merging, or consolidating**  
97 **with another company without the written approval of the Missouri**  
98 **gaming commission while there are unsatisfied obligations to fantasy**  
99 **sports contest players.**

100           **5. The commission, at its discretion, may approve other**  
101 **commercially reasonable approaches to segregation of funds so long as**  
102 **they adequately protect Missouri player accounts.**

103           **6. A licensed operator shall establish procedures for a registered player**  
104 **to report complaints to the licensed operator regarding whether his or her account**  
105 **has been misallocated, compromised, or otherwise mishandled, and a procedure**  
106 **for the licensed operator to respond to those complaints.**

107           **[5.] 7. A registered player who believes his or her account has been**  
108 **misallocated, compromised, or otherwise mishandled should notify the**  
109 **commission. Upon notification, the commission may investigate the claim and**  
110 **may take any action the commission deems appropriate under subdivision (4) of**  
111 **section 313.950.**

112           **[6.] 8. A licensed operator shall not issue credit to a registered player.**

113           **[7.] 9. A licensed operator shall not allow a registered player to establish**  
114 **more than one account or user name on its authorized internet website.**

**313.917. 1. If a licensed operator believes in good faith that a**  
2 **registered player engaged in either fraudulent conduct or other**  
3 **conduct that would put the licensed operator in violation of sections**  
4 **313.900 to 313.955, the licensed operator may delay payment of any**  
5 **prize won by such player for up to fifteen days while the licensed**  
6 **operator investigates to determine if any such conduct occurred;**  
7 **provided that, the licensed operator provides notice of the nature of**  
8 **the investigation to the registered player. If the licensed operator finds**  
9 **that the registered player has engaged in either fraudulent conduct or**  
10 **other conduct that would put the licensed operator in violation of**  
11 **sections 313.900 to 313.955, the licensed operator may refuse to pay out**

12 the prize to the registered player if the licensed operator informs the  
13 registered player in writing of the reason for nullification of the prize,  
14 that the player has the right to request an investigation by the  
15 commission within thirty days, and of the contact information for the  
16 commission.

17 2. The commission shall establish a process to investigate any  
18 case referred to it under subsection 1 of this section and issue  
19 determinations on a case-by-case basis. The commission shall notify the  
20 licensed operator and the registered player of its determination and  
21 either party may, within thirty days, appeal such determination to the  
22 administrative hearing commission as provided under section 621.047.

23 3. If a licensed operator delays or withholds payment of a prize  
24 under the provisions of this section, such licensed operator shall pay  
25 any prizes won by other registered players in the contest as though the  
26 contested payment will be awarded to the registered player under  
27 investigation. If, after final determination, the contested payment is  
28 not awarded, all other winning registered players in the contest shall  
29 have their prizes adjusted accordingly.

313.920. 1. A person shall register with a licensed operator prior to  
2 participating in fantasy sports contests on an authorized internet website.

3 2. A licensed operator shall implement appropriate security standards to  
4 prevent access to fantasy sports contests by a person whose location and age have  
5 not been verified in accordance with this section.

6 3. A licensed operator shall ensure that all individuals register before  
7 participating in a fantasy sports contest on an authorized internet website and  
8 provide their age and state of residence.

9 4. A licensed operator shall ensure that an individual is of legal age before  
10 participating in a fantasy sports contest [on an authorized internet website]. In  
11 Missouri, the legal age to participate shall be eighteen years of age.

12 5. (1) The licensed operator shall develop an online self-exclusion form  
13 and a process to exclude from play any person who has filled out the form.

14 (2) A licensed operator shall retain each online self-exclusion form  
15 submitted to it in order to identify persons who want to be excluded from play.  
16 A licensed operator shall exclude those persons.

17 (3) A licensed operator shall provide a link on its authorized internet  
18 website to a compulsive behavior website and the online self-exclusion form  
19 described in subdivision (1) of this subsection.

20 6. A licensed operator shall not advertise fantasy sports contests in

21 publications or other media that are aimed exclusively or primarily at persons  
22 less than eighteen years of age. A licensed operator's advertisement shall not  
23 depict persons under eighteen years of age, students, or settings involving a  
24 school or college. However, incidental depiction of nonfeatured minors shall not  
25 be a violation of this subsection.

26 7. A licensed operator shall not advertise fantasy sports contests to an  
27 individual by phone, email, or any other form of individually targeted  
28 advertisement or marketing material if the individual has self-excluded himself  
29 or herself pursuant to this section or if the individual is otherwise barred from  
30 participating in fantasy sports contests. A licensed operator shall also take  
31 reasonable steps to ensure that individuals on the involuntary exclusion list or  
32 disassociated persons list maintained by the commission are not subject to any  
33 form of individually targeted advertising or marketing.

34 8. A licensed operator shall not misrepresent the frequency or extent of  
35 winning in any fantasy sports contest advertisement.

36 9. A licensed operator shall clearly and conspicuously publish and  
37 facilitate parental control procedures to allow parents or guardians to exclude  
38 minors from access to any fantasy sports contest. Licensed operators shall take  
39 commercially reasonable steps to confirm that an individual opening an account  
40 is not a minor.

41 10. Licensed operators shall prohibit the use of scripts in fantasy sports  
42 contests that give players an unfair advantage over other players.

43 11. Licensed operators shall monitor fantasy sports contests to detect the  
44 use of unauthorized scripts and restrict players found to have used such scripts  
45 from further fantasy sports contests.

46 12. Licensed operators shall make all authorized scripts readily available  
47 to all fantasy sports players; provided, that a licensed operator shall clearly and  
48 conspicuously publish its rules on what types of scripts may be authorized in the  
49 fantasy sports contest.

50 13. Licensed operators shall clearly and conspicuously identify highly  
51 experienced players in fantasy sports contests by a symbol attached to a player's  
52 username, or by other easily visible means, on the licensed operator's authorized  
53 internet website.

54 14. Licensed operators shall offer some fantasy sports contests open only  
55 to beginner players and that exclude highly experienced players.

313.925. 1. This section applies to all of the following persons:

- 2 (1) An officer of a licensed operator;
- 3 (2) A director of a licensed operator;

- 4 (3) A principal of a licensed operator;  
5 (4) An employee of a licensed operator; and  
6 (5) A contractor of a licensed operator with proprietary or nonpublic  
7 information.

8 2. A person listed in subsection 1 of this section shall not play **in** any  
9 fantasy sports contest [outside of private fantasy sports contests offered by the  
10 licensed operator exclusively for those listed] **offered by any fantasy sports**  
11 **contest operator that is open to the public.**

12 3. A person listed in subsection 1 of this section shall not disclose  
13 proprietary or nonpublic information that may affect the play of fantasy sports  
14 contests to any individual authorized to play fantasy sports contests.

15 4. A licensed operator shall make the prohibitions in this section known  
16 to all affected individuals and corporate entities.

313.935. 1. No fantasy sports contest operator shall offer any fantasy  
2 sports contest in Missouri without first being licensed by the commission. A  
3 fantasy sports contest operator wishing to offer fantasy sports contests in this  
4 state shall [annually] apply to the commission for a license and shall remit to the  
5 commission an [annual] application fee of ten thousand dollars or ten percent of  
6 the applicant's net revenue from the previous calendar year, whichever is lower.

7 2. As part of the commission's investigation and licensing process, the  
8 commission may conduct an investigation of the fantasy sports contest operator's  
9 employees, officers, directors, trustees, and principal salaried executive staff  
10 officers. The applicant shall be responsible for the [total] cost of the investigation  
11 **up to ten thousand dollars.** If the cost of the investigation exceeds the  
12 application fee, the applicant shall remit **such cost** to the commission [the total  
13 cost of the investigation] prior to any license being issued. [The total cost of the  
14 investigation, paid by the applicant, shall not exceed fifty thousand dollars.] **An**  
15 **applicant may apply for, and the commission may grant, based on a**  
16 **showing of undue burden, a waiver of all or a portion of the cost of the**  
17 **investigation.** All revenue received under this section shall be placed into the  
18 gaming commission fund created under section 313.835. **The investigation set**  
19 **forth in this paragraph does not apply to a renewal of a license.**

20 3. (1) **A fantasy sports contest operator with net revenues of two**  
21 **million dollars or more from the previous calendar year shall be**  
22 **required to submit an annual license renewal fee of five thousand**  
23 **dollars by November first of each subsequent calendar year. A fantasy**  
24 **sports contest operator with net revenues of less than two million**  
25 **dollars but greater than one million dollars from the previous calendar**

26 year shall be required to submit an annual license renewal fee of two  
27 thousand five hundred dollars by November first of each subsequent  
28 calendar year. A fantasy sports contest operator with net revenues  
29 equal to or less than one million dollars but greater than two hundred  
30 fifty thousand dollars shall submit an annual license renewal fee of one  
31 thousand dollars by November first of each subsequent calendar year.  
32 A fantasy sports contest operator with net revenues of two hundred  
33 fifty thousand dollars or less from the previous calendar year shall not  
34 be required to submit an annual license renewal fee. On the  
35 anniversary date of the payment made under subsection 1, a licensed  
36 operator shall submit to the commission a notice of license renewal  
37 describing any material changes to the operator's compliance with the  
38 consumer protections set forth in sections 313.915, 313.920, and 313.925  
39 together with the license renewal fee required under this subsection.  
40 A license is renewed upon submission of the notice and payment of the  
41 appropriate renewal fee.

42 (2) In addition to the [application] license renewal fee, a licensed  
43 operator shall also pay an annual operation fee[, on April fifteenth of each year,]  
44 in a sum equal to [eleven and one-half] six percent of the licensed operator's net  
45 revenue from the previous calendar year. All revenue collected under this  
46 subsection shall be placed in the gaming proceeds for education fund created  
47 under section 313.822. If a licensed operator fails to **apply for a license**  
48 **renewal or** pay the annual operation fee [by April fifteenth, the licensed  
49 operator shall have its license immediately suspended by], the commission **may**  
50 **suspend the license of such licensed operator** until such payment is made.

51 4. Any fantasy sports contest operator already operating in the state prior  
52 to April 1, 2016, may operate until they have received or have been denied a  
53 license. Such fantasy sports contest operators shall apply for a license prior to  
54 October 1, 2016. Any fantasy sports contest operator operating under this  
55 subsection after August 28, 2016, shall pay the annual operation fee of eleven and  
56 one-half percent of its net revenue from August 28, 2016, until action is taken on  
57 its application. If a **licensed** fantasy sports contest operator fails to pay its  
58 **annual** operation fee by [April 15, 2017] **November 1, 2019**, the **commission**  
59 **may suspend the license or deny the pending license application of**  
60 **such** fantasy sports contest operator [shall have its license immediately  
61 suspended by the commission, or if the fantasy sports contest operator has a  
62 pending application, its application shall be denied immediately].

63 5. If a **licensed** fantasy sports contest operator ceases to offer fantasy

64 sports contests in Missouri, the operator shall pay an operation fee equal to  
65 [eleven and one-half] **six** percent of its net revenue for the period of the calendar  
66 year in which it offered fantasy sports contests in Missouri **by November first**  
67 **of the subsequent calendar year**. [Such payment shall be made within sixty  
68 days of the last day the fantasy sports contest operator offered fantasy sports  
69 contests in Missouri. After the expiration of sixty days, a penalty of five hundred  
70 dollars per day shall be assessed against the fantasy sports contest operator until  
71 the operation fee and any penalty is paid in full.]

313.945. 1. Notwithstanding any applicable statutory provision to the  
2 contrary, all investigatory, proprietary, or application records, information, and  
3 summaries in the possession of the commission or its agents [may] **shall** be  
4 treated by the commission as closed records not to be disclosed to the public;  
5 except that the commission shall, on written request from any person, provide  
6 such person with the following information furnished by an applicant or licensee:

7 (1) The name, business address, and business telephone number of any  
8 applicant or licensee;

9 (2) An identification of any applicant or licensee, including, if an applicant  
10 or licensee is not an individual, the state of incorporation or registration, the  
11 corporate officers, and the identity of all shareholders or participants. If an  
12 applicant or licensee has a pending registration statement filed with the federal  
13 Securities and Exchange [Division] **Commission**, the names of those persons or  
14 entities holding interest shall be provided;

15 (3) An identification of any business, including, if applicable, the state of  
16 incorporation or registration in which an applicant or licensee or an applicant's  
17 or licensee's spouse or children have an equity interest. If an applicant or  
18 licensee is a corporation, partnership, or other business entity, the applicant or  
19 licensee shall identify any other corporation, partnership, or business entity in  
20 which it has an equity interest, including, if applicable, the state of incorporation  
21 or registration. This information need not be provided by a corporation,  
22 partnership, or other business entity that has a pending registration statement  
23 filed with the federal Securities and Exchange [Division] **Commission**;

24 (4) Whether an applicant or licensee has been indicted, convicted, pleaded  
25 guilty or nolo contendere, or forfeited bail concerning any criminal offense under  
26 the laws of any jurisdiction, either felony or misdemeanor, except for traffic  
27 violations, including the date, the name and location of the court, arresting  
28 agency and prosecuting agency, the case number, the offense, the disposition, and  
29 the location and length of incarceration;

30 (5) Whether an applicant or licensee has had any license or certificate

31 issued by a licensing authority in this state or any jurisdiction denied, restricted,  
32 suspended, revoked, or not renewed and a statement describing the facts and  
33 circumstances concerning the denial, restriction, suspension, revocation, or  
34 nonrenewal, including the licensing authority, the date each such action was  
35 taken, and the reason for each such action;

36 (6) Whether an applicant or licensee has ever filed or had filed against it  
37 a proceeding in bankruptcy or has ever been involved in any formal process to  
38 adjust, defer, suspend, or otherwise work out the payment of any debt, including  
39 the date of filing, the name and location of the court, and the case and number  
40 of the disposition;

41 (7) Whether an applicant or licensee has filed or been served with a  
42 complaint or other notice filed with any public body regarding the delinquency in  
43 the payment of, or a dispute over, the filings concerning the payment of any tax  
44 required under federal, state, or local law, including the amount, type of tax, the  
45 taxing agency, and time periods involved;

46 (8) A statement listing the names and titles of all public officials or  
47 officers of any unit of government, and relatives of such public officials or officers  
48 who, directly or indirectly, own any financial interest in, have any beneficial  
49 interest in, are the creditors of or hold any debt instrument issued by, or hold or  
50 have any interest in any contractual or service relationship with, an applicant or  
51 licensee;

52 (9) The name and business telephone number of the attorney representing  
53 an applicant or licensee in matters before the commission.

54 2. Notwithstanding any applicable statutory provision to the contrary, the  
55 commission shall, on written request from any person, also provide the following  
56 information:

57 (1) The amount of the tax receipts paid to the state by the holder of a  
58 license;

59 (2) Whenever the commission finds an applicant for a license unsuitable  
60 for licensing, a copy of the written letter outlining the reasons for the denial; and

61 (3) Whenever the commission has refused to grant leave for an applicant  
62 to withdraw his application, a copy of the letter outlining the reasons for the  
63 refusal.

313.950. The commission [shall have full jurisdiction over and] shall  
2 supervise all licensed operators, other licensees, and authorized internet websites  
3 governed by sections 313.900 to 313.955. The commission shall have the  
4 following powers to implement sections 313.900 to 313.955:

5 (1) To investigate applicants;

6 (2) To license fantasy sports contest operators and adopt standards for  
7 licensing;

8 (3) To investigate alleged violations of sections 313.900 to 313.955 or the  
9 commission's rules, orders, or final decisions;

10 (4) To assess an appropriate administrative penalty of not more than [ten]  
11 **one** thousand dollars per violation, not to exceed [one hundred] **ten** thousand  
12 dollars for violations arising out of the same transaction or occurrence, and take  
13 action including, but not limited to, the suspension or revocation of a license for  
14 violations of sections 313.900 to 313.955 or the commission's rules, orders, or final  
15 decisions;

16 (5) To issue subpoenas for the attendance of witnesses and subpoenas  
17 duces tecum for the production of books, records, and other pertinent documents,  
18 and to administer oaths and affirmations to the witnesses, when, in the judgment  
19 of the commission, it is necessary to enforce sections 313.900 to 313.955 or the  
20 commission rules;

21 (6) To take any other action as may be reasonable or appropriate to  
22 enforce sections 313.900 to 313.955 and the commission rules.

313.955. 1. The commission shall have power to adopt and enforce rules  
2 and regulations:

3 (1) [To regulate and license the management, operation, and conduct of  
4 fantasy sports contests and participants therein;

5 (2)] To adopt responsible play protections for registered players; and

6 [(3)] (2) To properly administer and enforce the provisions of sections  
7 313.900 to 313.955.

8 2. The commission shall not adopt rules or regulations limiting or  
9 regulating the rules or administration of an individual fantasy sports contest, the  
10 statistical makeup of a fantasy sports contest, or the digital platform of a fantasy  
11 sports contest operator.

12 3. No rule or portion of a rule promulgated under the authority of sections  
13 313.900 to 313.955 shall become effective unless it has been promulgated  
14 pursuant to the provisions of section 536.024.

**621.047. 1. Except as otherwise provided by law, any person or  
2 entity shall have the right to appeal to the administrative hearing  
3 commission from any finding, decision, or determination made by the  
4 Missouri gaming commission under section 313.917. Any person or  
5 entity who is a party to such a dispute shall be entitled to a hearing  
6 before the administrative hearing commission by the filing of a petition  
7 with the administrative hearing commission within thirty days after**

8 the decision of the Missouri gaming commission is placed in the United  
9 States mail or within thirty days after the decision is delivered,  
10 whichever is earlier. The decision of the Missouri gaming commission  
11 shall contain a notice of the right of appeal in substantially the  
12 following language:

13 "If you were adversely affected by this decision, you may appeal  
14 to the administrative hearing commission. To appeal, you must file a  
15 petition with the administrative hearing commission within thirty days  
16 after the date this decision was mailed or the date it was delivered,  
17 whichever date was earlier. If any such petition is sent by registered  
18 mail or certified mail, it will be deemed filed on the date it is mailed;  
19 if it is sent by any method other than registered mail or certified mail,  
20 it will be deemed filed on the date it is received by the commission."

21 **2. The procedures applicable to the processing of such hearings**  
22 **and determinations shall be those established by chapter**  
23 **536. Decisions of the administrative hearing commission under this**  
24 **section shall be binding, subject to appeal by either party.**

Section B. Because immediate action is necessary to ensure that taxpayers  
2 in this state have adequate time to understand and meet their income tax  
3 obligations for the 2018 tax year, due to recent changes in the published state  
4 employer withholding tax guidance issued in response to the passage of U.S. Pub.  
5 L. No. 115-97, section 143.732 of section A of this act is deemed necessary for the  
6 immediate preservation of the public health, welfare, peace, and safety, and is  
7 hereby declared to be an emergency act within the meaning of the constitution,  
8 and section 143.732 of section A of this act shall be in full force and effect upon  
9 its passage and approval.

Copy ✓