

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 704

AN ACT

To repeal sections 105.145, 135.550, 137.010, 137.122, 137.180, 138.434, 143.991, 205.202, 326.289, 347.179, 347.183, 358.460, and 358.470, RSMo, and to enact in lieu thereof seventeen new sections relating to taxation, with penalty provisions.

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

1 Section A. Sections 105.145, 135.550, 137.010, 137.122,
2 137.180, 138.434, 143.991, 205.202, 326.289, 347.179, 347.183,
3 358.460, and 358.470, RSMo, are repealed and seventeen new
4 sections enacted in lieu thereof, to be known as sections
5 105.145, 135.550, 137.010, 137.106, 137.122, 137.180, 138.434,
6 143.425, 143.991, 205.202, 326.289, 347.044, 347.179, 347.183,
7 358.460, 358.470, and 620.3210, to read as follows:

8 105.145. 1. The following definitions shall be applied to
9 the terms used in this section:

10 (1) "Governing body", the board, body, or persons in which
11 the powers of a political subdivision as a body corporate, or
12 otherwise, are vested;

13 (2) "Political subdivision", any agency or unit of this
14 state, except counties and school districts, which now is, or
15 hereafter shall be, authorized to levy taxes or empowered to
16 cause taxes to be levied.

17 2. The governing body of each political subdivision in the

1 state shall cause to be prepared an annual report of the
2 financial transactions of the political subdivision in such
3 summary form as the state auditor shall prescribe by rule, except
4 that the annual report of political subdivisions whose cash
5 receipts for the reporting period are ten thousand dollars or
6 less shall only be required to contain the cash balance at the
7 beginning of the reporting period, a summary of cash receipts, a
8 summary of cash disbursements and the cash balance at the end of
9 the reporting period.

10 3. Within such time following the end of the fiscal year as
11 the state auditor shall prescribe by rule, the governing body of
12 each political subdivision shall cause a copy of the annual
13 financial report to be remitted to the state auditor.

14 4. The state auditor shall immediately on receipt of each
15 financial report acknowledge the receipt of the report.

16 5. In any fiscal year no member of the governing body of
17 any political subdivision of the state shall receive any
18 compensation or payment of expenses after the end of the time
19 within which the financial statement of the political subdivision
20 is required to be filed with the state auditor and until such
21 time as the notice from the state auditor of the filing of the
22 annual financial report for the fiscal year has been received.

23 6. The state auditor shall prepare sample forms for
24 financial reports and shall mail the same to the political
25 subdivisions of the state. Failure of the auditor to supply such
26 forms shall not in any way excuse any person from the performance
27 of any duty imposed by this section.

28 7. All reports or financial statements herein above

1 mentioned shall be considered to be public records.

2 8. The provisions of this section apply to the board of
3 directors of every transportation development district organized
4 under sections 238.200 to 238.275.

5 9. Any political subdivision that fails to timely submit a
6 copy of the annual financial statement to the state auditor shall
7 be subject to a fine of five hundred dollars per day.

8 10. The state auditor shall report any violation of
9 subsection 9 of this section to the department of revenue. Upon
10 notification from the state auditor's office that a political
11 subdivision failed to timely submit a copy of the annual
12 financial statement, the department of revenue shall notify such
13 political subdivision by certified mail that the statement has
14 not been received. Such notice shall clearly set forth the
15 following:

16 (1) The name of the political subdivision;

17 (2) That the political subdivision shall be subject to a
18 fine of five hundred dollars per day if the political subdivision
19 does not submit a copy of the annual financial statement to the
20 state auditor's office within thirty days from the postmarked
21 date stamped on the certified mail envelope;

22 (3) That the fine will be enforced and collected as
23 provided under subsection 11 of this section; and

24 (4) That the fine will begin accruing on the thirty-first
25 day from the postmarked date stamped on the certified mail
26 envelope and will continue to accrue until the state auditor's
27 office receives a copy of the financial statement.

28

1 In the event a copy of the annual financial statement is received
2 within such thirty-day period, no fine shall accrue or be
3 imposed. The state auditor shall report receipt of the financial
4 statement to the department of revenue within ten business days.
5 Failure of the political subdivision to submit the required
6 annual financial statement within such thirty-day period shall
7 cause the fine to be collected as provided under subsection 11 of
8 this section.

9 11. The department of revenue may collect the fine
10 authorized under the provisions of subsection 9 of this section
11 by offsetting any sales or use tax distributions due to the
12 political subdivision. The director of revenue shall retain two
13 percent for the cost of such collection. The remaining revenues
14 collected from such violations shall be distributed annually to
15 the schools of the county in the same manner that proceeds for
16 all penalties, forfeitures, and fines collected for any breach of
17 the penal laws of the state are distributed.

18 12. Any [transportation development district organized
19 under sections 238.200 to 238.275 having] political subdivision
20 that has gross revenues of less than five thousand dollars or
21 that has not levied or collected sales or use taxes in the fiscal
22 year for which the annual financial statement was not timely
23 filed shall not be subject to the fine authorized in this
24 section.

25 13. If a failure to timely submit the annual financial
26 statement is the result of fraud or other illegal conduct by an
27 employee or officer of the political subdivision, the failure
28 shall not be subject to a fine authorized under this section if

1 the statement is filed within thirty days of the discovery of the
2 fraud or illegal conduct. If a fine is assessed and paid prior
3 to the filing of the statement, the department of revenue shall
4 refund the fine upon notification from the political subdivision.

5 14. If a political subdivision has an outstanding balance
6 for fines or penalties at the time it files its first annual
7 financial statement after January 1, 2021, the director of
8 revenue shall make a one-time downward adjustment to such
9 outstanding balance in an amount that reduces the outstanding
10 balance by ninety percent.

11 15. The director of revenue shall have the authority to
12 make a one-time downward adjustment to any outstanding penalty
13 imposed under this section on a political subdivision if the
14 director determines the fine is uncollectible. The director of
15 revenue may prescribe rules and regulations necessary to carry
16 out the provisions of this subsection. Any rule or portion of a
17 rule, as that term is defined in section 536.010, that is created
18 under the authority delegated in this section shall become
19 effective only if it complies with and is subject to all of the
20 provisions of chapter 536 and, if applicable, section 536.028.
21 This section and chapter 536 are nonseverable, and if any of the
22 powers vested with the general assembly pursuant to chapter 536
23 to review, to delay the effective date, or to disapprove and
24 annul a rule are subsequently held unconstitutional, then the
25 grant of rulemaking authority and any rule proposed or adopted
26 after August 28, 2020, shall be invalid and void.

27 16. If a political subdivision with an outstanding balance
28 for fines or penalties:

1 (1) Fails to file an annual financial statement after
2 August 28, 2020, and before January 1, 2021; or

3 (2) Files an annual financial statement after August 28,
4 2020, and before January 1, 2021, but fails to file any annual
5 financial statement thereafter,

6
7 then the director of revenue shall initiate the process to
8 disincorporate the political subdivision as provided in this
9 section.

10 17. If any resident of a political subdivision believes or
11 knows that the political subdivision has failed to file the
12 annual financial report required under subsection 2 of this
13 section, the resident may file an affidavit with the director of
14 revenue that attests to the alleged failure. The director of
15 revenue shall evaluate the allegation and, if true, notify the
16 political subdivision and any municipality or county encompassing
17 the political subdivision by both certified mail and first-class
18 mail that the political subdivision has ninety days to comply
19 with subsection 2 of this section. If the political subdivision
20 has not complied after ninety days, the director of revenue shall
21 initiate the process to disincorporate the political subdivision
22 as provided in this section.

23 18. (1) The question of whether a political subdivision
24 subject to possible disincorporation under subsection 16 or 17 of
25 this section shall be disincorporated shall be submitted to the
26 voters of the political subdivision. The election upon the
27 question shall be held on the next general election day.

28 (2) No later than five o'clock p.m. on the tenth Tuesday

1 prior to the election, the director of revenue shall notify the
2 election authorities responsible for conducting the election
3 according to the provisions of section 115.125 and the county
4 governing body in which the political subdivision is located.

5 (3) The election authority shall give notice of the
6 election for eight consecutive weeks prior to the election by
7 publication in a newspaper of general circulation published in
8 the political subdivision or, if there is no such newspaper in
9 the political subdivision, in the newspaper in the county
10 published nearest the political subdivision.

11 (4) Any costs of submitting the question shall be paid by
12 the political subdivision.

13 (5) The question shall be submitted to the voters of such
14 city, town, or village in substantially the following form:

15 The (city/town/village) of _____ (has an
16 outstanding balance for fines or penalties and) has
17 failed to file an annual financial statement, as
18 required by law. Shall the (city/town/village) of
19 _____ be disincorporated?

20 YES NO

21
22 Upon the affirmative vote of a majority of the qualified voters
23 voting on the question, the director of revenue shall file an
24 action to disincorporate the political subdivision in the circuit
25 court with jurisdiction over the political subdivision.

26 19. In an action to disincorporate a political subdivision,
27 the circuit court shall order:

28 (1) The appointment of an administrative authority for the

1 political subdivision, which may be another political
2 subdivision, the state, a qualified private party, or other
3 qualified entity;

4 (2) All financial and other institutions holding funds of
5 the political subdivision, as identified by the director of
6 revenue, to honor the directives of the administrative authority;

7 (3) The director of revenue or other party charged with
8 distributing tax revenue to distribute the revenues and funds of
9 the political subdivision to the administrative authority; and

10 (4) The disincorporation of the political subdivision and
11 the effective date of the disincorporation, taking into
12 consideration a reasonable transition period.

13
14 The administrative authority shall administer all revenues under
15 the name of the political subdivision or its agents and
16 administer all funds collected on behalf of the political
17 subdivision. The administrative authority shall use the revenues
18 and existing funds to pay all debts and obligations of the
19 political subdivision other than the penalties accrued under this
20 section. The circuit court shall have ongoing jurisdiction to
21 enforce its orders and carry out the remedies under this
22 subsection.

23 20. The attorney general shall have the authority to file
24 an action in a court of competent jurisdiction against any
25 political subdivision that fails to comply with this section in
26 order to force the political subdivision into compliance.

27 135.550. 1. As used in this section, the following terms
28 shall mean:

1 (1) "Contribution", a donation of cash, stock, bonds or
2 other marketable securities, or real property;

3 (2) "Rape crisis center", a community-based nonprofit rape
4 crisis center, as defined in section 455.003, located in this
5 state and that provides the twenty-four hour core services of
6 hospital advocacy and crisis hotline support to survivors of rape
7 and sexual assault;

8 (3) "Shelter for victims of domestic violence", a facility
9 located in this state which meets the definition of a shelter for
10 victims of domestic violence pursuant to section 455.200 and
11 which meets the requirements of section 455.220, or a nonprofit
12 organization established and operating exclusively for the
13 purpose of supporting a shelter for victims of domestic violence
14 operated by the state or one of its political subdivisions;

15 [(3)] (4) "State tax liability", in the case of a business
16 taxpayer, any liability incurred by such taxpayer pursuant to the
17 provisions of chapter 143, chapter 147, chapter 148, and chapter
18 153, exclusive of the provisions relating to the withholding of
19 tax as provided for in sections 143.191 to 143.265 and related
20 provisions, and in the case of an individual taxpayer, any
21 liability incurred by such taxpayer pursuant to the provisions of
22 chapter 143;

23 [(4)] (5) "Taxpayer", a person, firm, a partner in a firm,
24 corporation or a shareholder in an S corporation doing business
25 in the state of Missouri and subject to the state income tax
26 imposed by the provisions of chapter 143, or a corporation
27 subject to the annual corporation franchise tax imposed by the
28 provisions of chapter 147, including any charitable organization

1 which is exempt from federal income tax and whose Missouri
2 unrelated business taxable income, if any, would be subject to
3 the state income tax imposed under chapter 143, or an insurance
4 company paying an annual tax on its gross premium receipts in
5 this state, or other financial institution paying taxes to the
6 state of Missouri or any political subdivision of this state
7 pursuant to the provisions of chapter 148, or an express company
8 which pays an annual tax on its gross receipts in this state
9 pursuant to chapter 153, or an individual subject to the state
10 income tax imposed by the provisions of chapter 143.

11 2. A taxpayer shall be allowed to claim a tax credit
12 against the taxpayer's state tax liability, in an amount equal to
13 fifty percent of the amount such taxpayer contributed to a
14 shelter for victims of domestic violence or rape crisis center
15 for all fiscal years ending on or before June 30, 2021, and
16 seventy percent of the amount such taxpayer contributed to a
17 shelter for victims of domestic violence or rape crisis center
18 for all fiscal years beginning on or after July 1, 2021.

19 3. The amount of the tax credit claimed shall not exceed
20 the amount of the taxpayer's state tax liability for the taxable
21 year that the credit is claimed, and such taxpayer shall not be
22 allowed to claim a tax credit in excess of fifty thousand dollars
23 per taxable year. However, any tax credit that cannot be claimed
24 in the taxable year the contribution was made may be carried over
25 to the next four succeeding taxable years until the full credit
26 has been claimed.

27 4. Except for any excess credit which is carried over
28 pursuant to subsection 3 of this section, a taxpayer shall not be

1 allowed to claim a tax credit unless the total amount of such
2 taxpayer's contribution or contributions to a shelter or shelters
3 for victims of domestic violence or rape crisis center in such
4 taxpayer's taxable year has a value of at least one hundred
5 dollars.

6 5. The director of the department of social services shall
7 determine, at least annually, which facilities in this state may
8 be classified as shelters for victims of domestic violence and
9 rape crisis centers. The director of the department of social
10 services may require of a facility seeking to be classified as a
11 shelter for victims of domestic violence or rape crisis center
12 whatever information is reasonably necessary to make such a
13 determination. The director of the department of social services
14 shall classify a facility as a shelter for victims of domestic
15 violence or rape crisis center if such facility meets the
16 definition set forth in subsection 1 of this section.

17 6. The director of the department of social services shall
18 establish a procedure by which a taxpayer can determine if a
19 facility has been classified as a shelter for victims of domestic
20 violence or rape crisis center, and by which such taxpayer can
21 then contribute to such shelter for victims of domestic violence
22 or rape crisis center and claim a tax credit. Shelters for
23 victims of domestic violence and rape crisis centers shall be
24 permitted to decline a contribution from a taxpayer. The
25 cumulative amount of tax credits which may be claimed by all the
26 taxpayers contributing to shelters for victims of domestic
27 violence and rape crisis centers in any one fiscal year shall not
28 exceed two million dollars for all fiscal years ending on or

1 before June 30, 2021. For all fiscal years beginning on or after
2 July 1, 2021, the cumulative amount of tax credits which may be
3 claimed by all the taxpayers contributing to shelters for victims
4 of domestic violence and rape crisis centers in any one fiscal
5 year shall not exceed four million dollars.

6 7. For all fiscal years ending on or before June 30, 2021,
7 the director of the department of social services shall establish
8 a procedure by which, from the beginning of the fiscal year until
9 some point in time later in the fiscal year to be determined by
10 the director of the department of social services, the cumulative
11 amount of tax credits are equally apportioned among all
12 facilities classified as shelters for victims of domestic
13 violence and rape crisis centers. If a shelter for victims of
14 domestic violence or rape crisis center fails to use all, or some
15 percentage to be determined by the director of the department of
16 social services, of its apportioned tax credits during this
17 predetermined period of time, the director of the department of
18 social services may reapportion these unused tax credits to those
19 shelters for victims of domestic violence and rape crisis centers
20 that have used all, or some percentage to be determined by the
21 director of the department of social services, of their
22 apportioned tax credits during this predetermined period of time.
23 The director of the department of social services may establish
24 more than one period of time and reapportion more than once
25 during each fiscal year. To the maximum extent possible, the
26 director of the department of social services shall establish the
27 procedure described in this subsection in such a manner as to
28 ensure that taxpayers can claim all the tax credits possible up

1 to the cumulative amount of tax credits available for the fiscal
2 year.

3 8. This section shall become effective January 1, 2000, and
4 shall apply to all tax years after December 31, 1999.

5 137.010. The following words, terms and phrases when used
6 in laws governing taxation and revenue in the state of Missouri
7 shall have the meanings ascribed to them in this section, except
8 when the context clearly indicates a different meaning:

9 (1) "Grain and other agricultural crops in an
10 unmanufactured condition" shall mean grains and feeds including,
11 but not limited to, soybeans, cow peas, wheat, corn, oats,
12 barley, kafir, rye, flax, grain sorghums, cotton, and such other
13 products as are usually stored in grain and other elevators and
14 on farms; but excluding such grains and other agricultural crops
15 after being processed into products of such processing, when
16 packaged or sacked. The term "processing" shall not include
17 hulling, cleaning, drying, grating, or polishing;

18 (2) "Hydroelectric power generating equipment",
19 very-low-head turbine generators with a nameplate generating
20 capacity of at least four hundred kilowatts but not more than six
21 hundred kilowatts and machinery and equipment used directly in
22 the production, generation, conversion, storage, or conveyance of
23 hydroelectric power to land-based devices and appurtenances used
24 in the transmission of electrical energy;

25 (3) "Intangible personal property", for the purpose of
26 taxation, shall include all property other than real property and
27 tangible personal property, as defined by this section;

28 (4) "Real property" includes land itself, whether laid out

1 in town lots or otherwise, and all growing crops, buildings,
2 structures, improvements and fixtures of whatever kind thereon,
3 hydroelectric power generating equipment, the installed poles
4 used in the transmission or reception of electrical energy, audio
5 signals, video signals or similar purposes, provided the owner of
6 such installed poles is also an owner of a fee simple interest,
7 possessor of an easement, holder of a license or franchise, or is
8 the beneficiary of a right-of-way dedicated for public utility
9 purposes for the underlying land; and attached wires,
10 transformers, amplifiers, substations, and other such devices and
11 appurtenances used in the transmission or reception of electrical
12 energy, audio signals, video signals or similar purposes when
13 owned by the owner of the installed poles, otherwise such items
14 are considered personal property; and stationary property used
15 for transportation or storage of [liquid and gaseous products,
16 including, but not limited to, petroleum products, natural gas,
17 propane or LP gas equipment[, water, and sewage];

18 (5) "Reliever airport", any land and improvements,
19 exclusive of structures, on privately owned airports that qualify
20 as reliever airports under the National Plan of Integrated
21 Airport Systems that may receive federal airport improvement
22 project funds through the Federal Aviation Administration;

23 (6) "Tangible personal property" includes every tangible
24 thing being the subject of ownership or part ownership whether
25 animate or inanimate, other than money, and not forming part or
26 parcel of real property as herein defined, but does not include
27 household goods, furniture, wearing apparel and articles of
28 personal use and adornment, as defined by the state tax

1 commission, owned and used by a person in his home or dwelling
2 place. Stationary property used for transportation or storage of
3 liquid and gaseous products, including, but not limited to,
4 petroleum products, natural gas that is not propane or LP gas,
5 water, and sewage shall be considered tangible personal property.

6 137.106. 1. This section shall be known and may be cited
7 as the "Missouri Homestead Preservation Act".

8 2. As used in this section, the following terms shall mean:

9 (1) "Department", the department of revenue;

10 (2) "Director", the director of revenue;

11 (3) "Disabled", as such term is defined in section 135.010;

12 (4) "Eligible owner", any individual owner of property who
13 is sixty-five years old or older as of January first of the tax
14 year in which the individual is claiming the credit or who is
15 disabled, and who had an income of equal to or less than the
16 maximum upper limit in the year prior to completing an
17 application pursuant to this section; or

18 (a) In the case of a married couple owning property either
19 jointly or as tenants by the entirety, or where only one spouse
20 owns the property, such couple shall be considered an eligible
21 taxpayer if both spouses have reached the age of sixty-five or if
22 one spouse is disabled, or if one spouse is at least sixty-five
23 years old and the other spouse is at least sixty years old, and
24 the combined income of the couple in the year prior to completing
25 an application pursuant to this section did not exceed the
26 maximum upper limit; or

27 (b) In the case of joint ownership by unmarried persons or
28 ownership by tenancy in common by two or more unmarried persons,

1 such owners shall be considered an eligible owner if each person
2 with an ownership interest individually satisfies the eligibility
3 requirements for an individual eligible owner under this section
4 and the combined income of all individuals with an interest in
5 the property is equal to or less than the maximum upper limit in
6 the year prior to completing an application under this section.

7 If any individual with an ownership interest in the property
8 fails to satisfy the eligibility requirements of an individual
9 eligible owner or if the combined income of all individuals with
10 interest in the property exceeds the maximum upper limit, then
11 all individuals with an ownership interest in such property shall
12 be deemed ineligible owners regardless of such other individual's
13 ability to individually meet the eligibility requirements; or

14 (c) In the case of property held in trust, the eligible
15 owner and recipient of the tax credit shall be the trust itself
16 provided the previous owner of the homestead or the previous
17 owner's spouse: is the settlor of the trust with respect to the
18 homestead; currently resides in such homestead; and but for the
19 transfer of such property would have satisfied the age,
20 ownership, and maximum upper limit requirements for income as
21 defined in this subsection.

22
23 No individual shall be an eligible owner if the individual has
24 not paid the individual's property tax liability, if any, in full
25 by the payment due date in any of the three prior tax years,
26 except that a late payment of a property tax liability in any
27 prior year shall not disqualify a potential eligible owner if
28 such owner paid in full the tax liability and any and all

1 penalties, additions and interest that arose as a result of such
2 late payment; no individual shall be an eligible owner if such
3 person filed a valid claim for the senior citizens property tax
4 relief credit pursuant to sections 135.010 to 135.035;

5 (5) "Homestead", as such term is defined pursuant to
6 section 135.010, except as limited by provisions of this section
7 to the contrary. No property shall be considered a homestead if
8 such property was improved since the most recent annual
9 assessment by more than five percent of the prior year appraised
10 value, except where an eligible owner of the property has made
11 such improvements to accommodate a disabled person;

12 (6) "Homestead exemption limit", a percentage increase,
13 rounded to the nearest hundredth of a percent, which shall be
14 equal to the percentage increase to tax liability, not including
15 improvements, of a homestead from one tax year to the next that
16 exceeds a certain percentage set pursuant to subsection 7 of this
17 section;

18 (7) "Income", federal adjusted gross income, and in the
19 case of ownership of the homestead by trust, the income of the
20 settlor applicant shall be imputed to the income of the trust for
21 purposes of determining eligibility with regards to the maximum
22 upper limit;

23 (8) "Maximum upper limit", in the calendar year 2021, the
24 income sum of ninety thousand dollars; in each successive
25 calendar year this amount shall be raised by the incremental
26 increase in the general price level, as defined pursuant to
27 article X, section 17 of the Missouri Constitution.

28 3. Pursuant to Article X, Section 6(a) of the Constitution

1 of Missouri, if in the prior tax year, the property tax liability
2 on any parcel of subclass (1) real property increased by more
3 than the homestead exemption limit, without regard for any prior
4 credit received due to the provisions of this section, then any
5 eligible owner of the property shall receive a homestead
6 exemption credit to be applied in the current tax year property
7 tax liability to offset the prior year increase to tax liability
8 that exceeds the homestead exemption limit, except as eligibility
9 for the credit is limited by the provisions of this section. The
10 amount of the credit shall be listed separately on each
11 taxpayer's tax bill for the current tax year, or on a document
12 enclosed with the taxpayer's bill. The homestead exemption
13 credit shall not affect the process of setting the tax rate as
14 required pursuant to Article X, Section 22 of the Constitution of
15 Missouri and section 137.073 in any prior, current, or subsequent
16 tax year.

17 4. Any potential eligible owner may apply for the homestead
18 exemption credit by completing an application. Applications may
19 be completed between April first and October fifteenth of any tax
20 year in order for the taxpayer to be eligible for the homestead
21 exemption credit in the tax year next following the calendar year
22 in which the homestead exemption credit application was
23 completed. The application shall be on forms provided by the
24 department. Forms also shall be made available on the
25 department's internet site and at all permanent branch offices
26 and all full-time, temporary, or fee offices maintained by the
27 department of revenue. The applicant shall attest under penalty
28 of perjury:

1 (1) To the applicant's age;

2 (2) That the applicant's prior year income was less than
3 the maximum upper limit;

4 (3) To the address of the homestead property;

5 (4) That any improvements made to the homestead, not made
6 to accommodate a disabled person, did not total more than five
7 percent of the prior year appraised value.

8
9 The applicant shall also include with the application copies of
10 receipts indicating payment of property tax by the applicant for
11 the homestead property for the three prior tax years.

12 5. Each applicant shall send the application to the
13 department by October fifteenth of each year for the taxpayer to
14 be eligible for the homestead exemption credit in the tax year
15 next following the calendar year in which the application was
16 completed.

17 6. Upon receipt of the applications, the department shall
18 calculate the tax liability, verify compliance with the maximum
19 income limit, verify the age of the applicants, and make
20 adjustments to these numbers as necessary on the applications.
21 The department also shall disallow any application where the
22 applicant also has filed a valid application for the senior
23 citizens property tax credit under sections 135.010 to 135.035.
24 Once adjusted tax liability, age, and income are verified, the
25 director shall determine eligibility for the credit and provide a
26 list of all verified eligible owners to the county assessors or
27 county clerks in counties with a township form of government by
28 December fifteenth of each year. By January fifteenth, the

1 county assessors shall provide a list to the department of any
2 verified eligible owners who made improvements not for
3 accommodation of a disability to the homestead and the dollar
4 amount of the assessed value of such improvements. If the dollar
5 amount of the assessed value of such improvements totaled more
6 than five percent of the prior year appraised value, such
7 eligible owners shall be disqualified from receiving the credit
8 in the current tax year.

9 7. The director shall calculate the level of appropriation
10 necessary to set the homestead exemption limit at five percent
11 when based on a year of general reassessment or at two and
12 one-half percent when based on a year without general
13 reassessment for the homesteads of all verified eligible owners,
14 and provide such calculation to the speaker of the house of
15 representatives, the president pro tempore of the senate, and the
16 director of the office of budget and planning in the office of
17 administration by January thirty-first of each year.

18 8. If, in any given year, the general assembly makes an
19 appropriation for the funding of the homestead exemption credit
20 that is signed by the governor, then the director shall determine
21 the apportionment percentage by equally apportioning the
22 appropriation among all eligible applicants on a percentage
23 basis. If no appropriation is made by the general assembly
24 during any tax year or no funds are actually distributed pursuant
25 to any appropriation therefor, then no homestead preservation
26 credit shall apply in such year.

27 9. After determining the apportionment percentage, the
28 director shall calculate the credit to be associated with each

1 verified eligible owner's homestead, if any. The director shall
2 send a list of those eligible owners who are to receive the
3 homestead exemption credit, including the amount of each credit,
4 the certified parcel number of the homestead, and the address of
5 the homestead property, to the county collectors or county clerks
6 in counties with a township form of government by August
7 thirty-first. Pursuant to such calculation, the director shall
8 instruct the state treasurer as to how to distribute the
9 appropriation to the county collector's fund of each county where
10 recipients of the homestead exemption credit are located, so as
11 to exactly offset each homestead exemption credit being issued.
12 As a result of the appropriation, in no case shall a political
13 subdivision receive more money than it would have received absent
14 the provisions of this section. Funds, at the direction of the
15 collector of the county or treasurer ex officio collector in
16 counties with a township form of government, shall be deposited
17 in the county collector's fund of a county or may be sent by mail
18 to the collector of a county, or treasurer ex officio collector
19 in counties with a township form of government, not later than
20 October first in any year a homestead exemption credit is
21 appropriated as a result of this section and shall be distributed
22 as moneys in such funds are commonly distributed from other
23 property tax revenues by the collector of the county or the
24 treasurer ex officio collector of the county in counties with a
25 township form of government, so as to exactly offset each
26 homestead exemption credit being issued.

27 10. The department shall promulgate rules for
28 implementation of this section. Any rule or portion of a rule,

1 as that term is defined in section 536.010, that is created under
2 the authority delegated in this section shall become effective
3 only if it complies with and is subject to all of the provisions
4 of chapter 536 and, if applicable, section 536.028. This section
5 and chapter 536 are nonseverable and if any of the powers vested
6 with the general assembly pursuant to chapter 536 to review, to
7 delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 2020,
10 shall be invalid and void. Any rule promulgated by the
11 department shall in no way impact, affect, interrupt, or
12 interfere with the performance of the required statutory duties
13 of any county elected official, more particularly including the
14 county collector when performing such duties as deemed necessary
15 for the distribution of any homestead appropriation and the
16 distribution of all other real and personal property taxes.

17 11. In the event that an eligible owner dies or transfers
18 ownership of the property after the homestead exemption limit has
19 been set in any given year, but prior to January first of the
20 year in which the credit would otherwise be applied, the credit
21 shall be void and any corresponding moneys shall lapse to the
22 state to be credited to the general revenue fund. In the event
23 the collector of the county or the treasurer ex officio collector
24 of the county in counties with a township form of government
25 determines prior to issuing the credit that the individual is not
26 an eligible owner because the individual did not pay the prior
27 three years' property tax liability in full, the credit shall be
28 void and any corresponding moneys shall lapse to the state to be

1 credited to the general revenue fund.

2 12. This section shall apply to all tax years beginning on
3 or after January 1, 2021.

4 13. In accordance with the provisions of sections 23.250 to
5 23.298 and unless otherwise authorized pursuant to section
6 23.253:

7 (1) The program authorized under the provisions of this
8 section shall automatically sunset three years after the
9 effective date of this section unless reauthorized by an act of
10 the general assembly; and

11 (2) This section shall terminate on September first of the
12 year following the year in which any new program authorized under
13 this section is sunset, and the revisor of statutes shall
14 designate such sections and this section in a revision bill for
15 repeal.

16 137.122. 1. As used in this section, the following terms
17 mean:

18 (1) "Business personal property", tangible personal
19 property which is used in a trade or business or used for
20 production of income and which has a determinable life of longer
21 than one year except that supplies used by a business shall also
22 be considered business personal property, but shall not include
23 livestock, farm machinery, grain and other agricultural crops in
24 an unmanufactured condition, property subject to the motor
25 vehicle registration provisions of chapter 301, property assessed
26 under section 137.078, the property of rural electric
27 cooperatives under chapter 394, or property assessed by the state
28 tax commission under chapters 151, 153, and 155, section 137.022,

1 and sections 137.1000 to 137.1030;

2 (2) "Class life", the class life of property as set out in
3 the federal Modified Accelerated Cost Recovery System life tables
4 or their successors under the Internal Revenue Code as amended;

5 (3) "Economic or functional obsolescence", a loss in value
6 of personal property above and beyond physical deterioration and
7 age of the property. Such loss may be the result of economic or
8 functional obsolescence or both;

9 (4) "Original cost", the price the current owner, the
10 taxpayer, paid for the item without freight, installation, or
11 sales or use tax. In the case of acquisition of items of
12 personal property as part of an acquisition of an entity, the
13 original cost shall be the historical cost of those assets
14 remaining in place and in use and the placed-in-service date
15 shall be the date of acquisition by the entity being acquired;

16 (5) "Placed in service", property is placed in service when
17 it is ready and available for a specific use, whether in a
18 business activity, an income-producing activity, a tax-exempt
19 activity, or a personal activity. Even if the property is not
20 being used, the property is in service when it is ready and
21 available for its specific use;

22 (6) "Recovery period", the period over which the original
23 cost of depreciable tangible personal property shall be
24 depreciated for property tax purposes and shall be the same as
25 the recovery period allowed for such property under the Internal
26 Revenue Code.

27 2. To establish uniformity in the assessment of depreciable
28 tangible personal property, each assessor shall use the

1 standardized schedule of depreciation in this section to
 2 determine the assessed valuation of depreciable tangible personal
 3 property for the purpose of estimating the value of such property
 4 subject to taxation under this chapter.

5 3. For purposes of this section, and to estimate the value
 6 of depreciable tangible personal property for mass appraisal
 7 purposes, each assessor shall value depreciable tangible personal
 8 property by applying the class life and recovery period to the
 9 original cost of the property according to the following
 10 depreciation schedule. The percentage shown for the first year
 11 shall be the percentage of the original cost used for January
 12 first of the year following the year of acquisition of the
 13 property, and the percentage shown for each succeeding year shall
 14 be the percentage of the original cost used for January first of
 15 the respective succeeding year as follows:

16	Year	Recovery Period in Years					
17		3	5	7	10	15	20
18	1	75.00	85.00	89.29	92.50	95.00	96.25
19	2	37.50	59.50	70.16	78.62	85.50	89.03
20	3	12.50	41.65	55.13	66.83	76.95	82.35
21	4	5.00	24.99	42.88	56.81	69.25	76.18
22	5		10.00	30.63	48.07	62.32	70.46
23	6			18.38	39.33	56.09	65.18
24	7			10.00	30.59	50.19	60.29
25	8				21.85	44.29	55.77
26	9				15.00	38.38	51.31
27	10					32.48	46.85
28	11					26.57	42.38

1	12	20.67	37.92
2	13	15.00	33.46
3	14		29.00
4	15		24.54
5	16		20.08
6	17		20.00

7 Depreciable tangible personal property in all recovery periods
8 shall continue in subsequent years to have the depreciation
9 factor last listed in the appropriate column so long as it is
10 owned or held by the taxpayer. The state tax commission shall
11 study and analyze the values established by this method of
12 assessment and in every odd-numbered year make recommendations to
13 the joint committee on tax policy pertaining to any changes in
14 this methodology, if any, that are warranted.

15 4. Such estimate of value determined under this section
16 shall be presumed to be correct for the purpose of determining
17 the true value in money of the depreciable tangible personal
18 property, but such estimation may be disproved by a taxpayer by
19 substantial and persuasive evidence of the true value in money
20 under any method determined by the state tax commission to be
21 correct, including, but not limited to, an appraisal of the
22 tangible personal property specifically utilizing generally
23 accepted appraisal techniques, and contained in a narrative
24 appraisal report in accordance with the Uniform Standards of
25 Professional Appraisal Practice or by proof of economic or
26 functional obsolescence or evidence of excessive physical
27 deterioration. For purposes of appeal of the provisions of this
28 section, the salvage or scrap value of depreciable tangible

1 personal property may only be considered if the property is not
2 in use as of the assessment date.

3 5. This section shall not apply to business personal
4 property placed in service before January 2, 2006. Nothing in
5 this section shall create a presumption as to the proper method
6 of determining the assessed valuation of business personal
7 property placed in service before January 2, 2006, provided,
8 however, that as of January 1, 2020, this section shall apply to
9 all stationary property used for transportation or storage of
10 liquid and gaseous products, including, but not limited to,
11 petroleum products, natural gas that is not propane or LP gas,
12 water, and sewage that was or will be placed in service at any
13 time.

14 6. The provisions of this section are not intended to
15 modify the definition of tangible personal property as defined in
16 section 137.010.

17 137.180. 1. Whenever any assessor shall increase the
18 valuation of any real property he shall forthwith notify the
19 record owner of such increase, either in person, or by mail
20 directed to the last known address; every such increase in
21 assessed valuation made by the assessor shall be subject to
22 review by the county board of equalization whereat the landowner
23 shall be entitled to be heard, and the notice to the landowner
24 shall so state.

25 2. Effective January 1, 2009, for all counties with a
26 charter form of government, other than any county adopting a
27 charter form of government after January 1, 2008, whenever any
28 assessor shall increase the valuation of any real property, he or

1 she shall forthwith notify the record owner on or before June
2 fifteenth of such increase and, in a year of general
3 reassessment, the county shall notify the record owner of the
4 projected tax liability likely to result from such an increase,
5 either in person, or by mail directed to the last known address;
6 every such increase in assessed valuation made by the assessor
7 shall be subject to review by the county board of equalization
8 whereat the landowner shall be entitled to be heard, and the
9 notice to the landowner shall so state. Notice of the projected
10 tax liability from the county shall accompany the notice of
11 increased valuation from the assessor.

12 3. For all calendar years prior to the first day of January
13 of the year following receipt of software necessary for the
14 implementation of the requirements provided under subsections 4
15 and 5 of this section from the state tax commission, for any
16 county not subject to the provisions of subsection 2 of this
17 section or subsection 2 of section 137.355, whenever any assessor
18 shall increase the valuation of any real property, he or she
19 shall forthwith notify the record owner on or before June
20 fifteenth of the previous assessed value and such increase either
21 in person, or by mail directed to the last known address and
22 include in such notice a statement indicating that the change in
23 assessed value may impact the record owner's tax liability and
24 provide all processes and deadlines for appealing determinations
25 of the assessed value of such property. Such notice shall be
26 provided in a font and format sufficient to alert a record owner
27 of the potential impact upon tax liability and the appellate
28 processes available.

1 4. Effective January first of the year following receipt of
2 software necessary for the implementation of the requirements
3 provided under this subsection and subsection 5 of this section
4 from the state tax commission, for all counties not subject to
5 the provisions of subsection 2 of this section or subsection 2 of
6 section 137.355, whenever any assessor shall increase the
7 valuation of any real property, he or she shall forthwith notify
8 the record owner on or before June fifteenth of such increase
9 and, in a year of general reassessment, the county shall notify
10 the record owner of the projected tax liability likely to result
11 from such an increase, either in person, or by mail directed to
12 the last known address; every such increase in assessed valuation
13 made by the assessor shall be subject to review by the county
14 board of equalization whereat the landowner shall be entitled to
15 be heard, and the notice to the landowner shall so state. Notice
16 of the projected tax liability from the county shall accompany
17 the notice of increased valuation from the assessor.

18 5. The notice of projected tax liability, required under
19 subsections 2 and 4 of this section, from the county shall
20 include:

21 (1) The record owner's name, address, and the parcel number
22 of the property;

23 (2) A list of all political subdivisions levying a tax upon
24 the property of the record owner;

25 (3) The projected tax rate for each political subdivision
26 levying a tax upon the property of the record owner, and the
27 purpose for each levy of such political subdivisions;

28 (4) The previous year's tax rates for each individual tax

1 levy imposed by each political subdivision levying a tax upon the
2 property of the record owner;

3 (5) The tax rate ceiling for each levy imposed by each
4 political subdivision levying a tax upon the property of the
5 record owner;

6 (6) The contact information for each political subdivision
7 levying a tax upon the property of the record owner;

8 (7) A statement identifying any projected tax rates for
9 political subdivisions levying a tax upon the property of the
10 record owner, which were not calculated and provided by the
11 political subdivision levying the tax; and

12 (8) The total projected property tax liability of the
13 taxpayer.

14 6. In addition to the requirements provided under
15 subsections 1, 2, and 5 of this section, effective January 1,
16 2011, in any county with a charter form of government and with
17 more than one million inhabitants, whenever any assessor shall
18 notify a record owner of any change in assessed value, such
19 assessor shall provide notice that information regarding the
20 assessment method and computation of value for such property is
21 available on the assessor's website and provide the exact website
22 address at which such information may be accessed. Such
23 notification shall provide the assessor's contact information to
24 enable taxpayers without internet access to request and receive
25 information regarding the assessment method and computation of
26 value for such property. Beginning January 1, 2021, such notice
27 shall also include, in the case of a property valued using sales
28 of comparable properties, a list of such comparable properties

1 and the address or location and purchase prices from sales
2 thereof that the assessor used in determining the assessed
3 valuation of the owner's property. As used in this subsection,
4 the word "comparable" means that:

5 (1) Such sale was closed at a date relevant to the property
6 valuation; and

7 (2) Such properties are not more than one mile from the
8 site of the disputed property, except where no similar properties
9 exist within one mile of the disputed property, the nearest
10 comparable property shall be used. Such property shall be within
11 five hundred square feet in size of the disputed property, and
12 resemble the disputed property in age, floor plan, number of
13 rooms, and other relevant characteristics.

14 138.434. Any first class charter county or a city not
15 within a county may require by ordinance or charter the
16 reimbursement to a taxpayer for the amount of just and reasonable
17 appraisal costs, attorney fees and court costs resulting from an
18 evidentiary hearing before the state tax commission or a court of
19 competent jurisdiction if such appeal results in a final decision
20 reducing the appraised value of residential property by at least
21 fifteen percent or the appraised value of utility, industrial
22 railroad and other subclass three property by at least
23 twenty-five percent from the appraised value determined by the
24 board of equalization for that tax year. The commission or court
25 awarding such fees and costs shall consider the reasonableness of
26 the fees and costs within the context of the particular case.
27 Such fees and costs shall not exceed one thousand dollars for a
28 residential property appeal. Such fees and costs for utility,

1 industrial railroad or other subclass three property appeals
2 shall not exceed the lesser of four thousand dollars or
3 twenty-five percent of the tax savings resulting from the appeal.
4 Beginning January 1, 2021, for a county with a charter form of
5 government and with more than nine hundred fifty thousand
6 inhabitants, such fees and costs shall not exceed six thousand
7 dollars for a residential property appeal, and such fees and
8 costs for utility, industrial railroad, or other subclass three
9 property appeals shall not exceed the lesser of ten thousand
10 dollars or twenty-five percent of the tax savings resulting from
11 the appeal. The provisions of this section shall only apply to
12 the first contested year when cases are tried on a consolidated
13 basis.

14 143.425. 1. For the purposes of this section, the
15 following terms shall mean:

16 (1) "Administrative adjustment request", an administrative
17 adjustment request filed by a partnership under 26 U.S.C. Section
18 6227;

19 (2) "Audited partnership", a partnership subject to a
20 partnership level audit resulting in a federal adjustment;

21 (3) "Corporate partner", a partner that is subject to tax
22 under section 143.071;

23 (4) "Direct partner", a partner that holds an interest
24 directly in a partnership or pass-through entity;

25 (5) "Exempt partner", a partner that is exempt from
26 taxation under the provisions of subdivisions (1) or (4) of
27 subsection 2 of section 143.441, except on unrelated business
28 taxable income;

1 (6) "Federal adjustment", a change to an item or amount
2 determined under the Internal Revenue Code that is used by a
3 taxpayer to compute Missouri individual or corporate income tax
4 owed, whether that change results from action by the IRS,
5 including a partnership level audit, or the filing of an amended
6 federal return, federal refund claim, or an administrative
7 adjustment request by the taxpayer. A federal adjustment is
8 positive to the extent that it increases Missouri taxable income
9 as determined under section 143.431, or Missouri adjusted gross
10 income under section 143.121 or 143.181, and is negative to the
11 extent that it decreases such Missouri taxable income or Missouri
12 adjusted gross income;

13 (7) "Federal adjustments report", methods or forms, which
14 shall be prescribed by the department of revenue, for use by a
15 taxpayer to report final federal adjustments, including an
16 amended Missouri tax return, a uniform multistate report, or an
17 information return, notwithstanding any provision of law
18 restricting the form or applicability of information return
19 filing;

20 (8) "Federal partnership representative", the person the
21 partnership designates for the taxable year as the partnership's
22 representative, or the person the IRS has appointed to act as the
23 federal partnership representative, under 26 U.S.C. Section
24 6223(a);

25 (9) "Final determination date", shall be the following:

26 (a) Except as provided under paragraphs (b) and (c) of this
27 subdivision, if the federal adjustment arises from an IRS audit
28 or other action by the IRS, the final determination date shall be

1 the first day on which no federal adjustments arising from such
2 audit or other action remain to be finally determined, whether by
3 IRS decision with respect to which all rights of appeal have been
4 waived or exhausted, by agreement, or, if appealed or contested,
5 by a final decision with respect to which all rights of appeal
6 have been waived or exhausted. For agreements required to be
7 signed by the IRS and the taxpayer, the final determination date
8 shall be the date on which the last party signed the agreement;

9 (b) For federal adjustments arising from an IRS audit or
10 other action by the IRS, if the taxpayer filed as a member of a
11 Missouri consolidated return, the final determination date shall
12 be the first day on which no related federal adjustments arising
13 from such audit remain to be finally determined, as described in
14 paragraph (a) of this subdivision, for the entire group;

15 (c) If the federal adjustment results from filing an
16 amended federal return, a federal refund claim, or an
17 administrative adjustment request, or if it is a federal
18 adjustment reported on an amended federal return or other similar
19 report filed under 26 U.S.C. Section 6225(c), the final
20 determination date shall be the day on which the amended return,
21 refund claim, administrative adjustment request, or other similar
22 report was filed;

23 (10) "Final federal adjustment", a federal adjustment that
24 remains in effect after the final determination date for such
25 federal adjustment has passed;

26 (11) "IRS", the Internal Revenue Service of the United
27 States Department of the Treasury;

28 (12) "Indirect partner", a partner in a partnership or

1 pass-through entity, where such partnership or pass-through
2 entity itself holds a direct or indirect interest in another
3 partnership or pass-through entity. A partnership or pass-
4 through entity holds an "indirect interest" in another
5 partnership or pass-through entity where its interest is held
6 through an indirect partner or series of indirect partners;

7 (13) "Non-resident partner", an individual, trust, or
8 estate partner that is not a resident partner;

9 (14) "Partner", a person that holds an interest directly or
10 indirectly in a partnership or other pass-through entity;

11 (15) "Partnership", the same meaning as used in 26 U.S.C.
12 Sections 701 to 771;

13 (16) "Partnership level audit", an examination by the IRS
14 at the partnership level under 26 U.S.C. Sections 6221 to 6241,
15 as enacted by the Bipartisan Budget Act of 2015, Public Law 114-
16 74, and any amendments thereto, which results in federal
17 adjustments;

18 (17) "Pass-through entity", an entity, other than a
19 partnership, that is not subject to tax under section 143.071,
20 section 153.020, chapter 148, or a tax on insurance companies or
21 insurance providers imposed by the state of Missouri;

22 (18) "Publicly traded partnership", the same meaning as
23 used in 26 U.S.C. Section 7704(b), and any amendments thereto;

24 (19) "Reallocation adjustment", a federal adjustment
25 resulting from a partnership level audit or an administrative
26 adjustment request that changes the shares of one or more items
27 of partnership income, gain, loss, expense, or credit allocated
28 to direct partners. A positive reallocation adjustment means the

1 portion of a reallocation adjustment that would increase federal
2 adjusted gross income or federal taxable income for one or more
3 direct partners, and a negative reallocation adjustment means the
4 portion of a reallocation adjustment that would decrease federal
5 adjusted gross income or federal taxable income for one or more
6 direct partners;

7 (20) "Resident partner", an individual, trust, or estate
8 partner that is a resident of Missouri as defined under section
9 143.101 for individuals, or under section 143.331 for trusts or
10 estates, for the relevant tax period;

11 (21) "Reviewed year", the taxable year of a partnership
12 that is subject to a partnership level audit which results in a
13 federal adjustment;

14 (22) "Taxpayer", any individual or entity subject to a tax
15 in Missouri or a tax-related reporting requirement in Missouri
16 and, unless the context clearly indicates otherwise, includes a
17 partnership subject to a partnership level audit or a partnership
18 that has made an administrative adjustment request, as well as a
19 tiered partner of that partnership;

20 (23) "Tiered partner", any partner that is a partnership or
21 pass-through entity;

22 (24) "Unrelated business taxable income", the same meaning
23 as defined in 26 U.S.C. Section 512.

24 2. Except in the case of final federal adjustments that are
25 reported by a partnership and its partners using the procedures
26 provided under subsections 3 to 9 of this section, final federal
27 adjustments required to be reported for federal purposes under 26
28 U.S.C. Section 6225(a) (2), and changes required to be reported

1 under section 143.601, a taxpayer shall report and pay any
2 Missouri tax due with respect to final federal adjustments
3 arising from an audit or other action by the IRS or reported by
4 the taxpayer on a timely filed amended federal income tax return,
5 including a return or other similar report filed under 26 U.S.C.
6 Section 6225(c)(2), or federal claim for refund, by filing a
7 federal adjustments report with the department of revenue for the
8 reviewed year and, if applicable, paying the additional Missouri
9 tax owed by the taxpayer no later than one hundred eighty days
10 after the final determination date.

11 3. Except for adjustments required to be reported for
12 federal purposes under 26 U.S.C. Section 6225(a)(2), and the
13 distributive share of adjustments that have been reported as
14 required under subsection 2 of this section, partnerships and
15 partners shall report final federal adjustments arising from a
16 partnership level audit or an administrative adjustment request
17 and make payments as required under subsections 3 to 9 of this
18 section.

19 4. (1) With respect to an action required or permitted to
20 be taken by a partnership under subsections 3 to 9 of this
21 section, a proceeding under section 143.631 for reconsideration
22 by the director of revenue, appeal to the administrative hearing
23 commission, or review by the judiciary with respect to such
24 action, the state partnership representative for the reviewed
25 year shall have the sole authority to act on behalf of the
26 partnership, and the partnership's direct partners and indirect
27 partners shall be bound by those actions.

28 (2) The state partnership representative for the reviewed

1 year is the partnership's federal partnership representative
2 unless the partnership designates in writing another person as
3 its state partnership representative.

4 (3) The department of revenue may establish reasonable
5 qualifications and procedures for designating a person, other
6 than the federal partnership representative, to be the state
7 partnership representative.

8 (4) The state partnership representative shall be
9 considered an authorized representative of the partnership and
10 its partners under section 32.057 for the purposes of compliance
11 with this section, or participating in a proceeding described in
12 subdivision (1) of this section.

13 5. Final federal adjustments subject to the requirements of
14 subsections 3 to 9 of this section, except for those subject to a
15 properly made election under subsection 6 of this section, shall
16 be reported as follows:

17 (1) No later than ninety days after the final determination
18 date, the partnership shall:

19 (a) File a completed federal adjustments report with the
20 department of revenue, including information as required by the
21 department of revenue;

22 (b) Notify each of its direct partners of their
23 distributive share of the final federal adjustments including
24 information as required by the department of revenue;

25 (c) Pay any additional amount under section 143.411 that
26 would have been due had the final federal adjustments originally
27 been reported properly, unless the partnership is a publicly
28 traded partnership; and

1 (d) If the partnership is a publicly traded partnership,
2 report such information as is required by the department of
3 revenue and in the manner and format as required by department of
4 revenue instruction, including the name, address, and taxpayer
5 identification number of each direct partner with income in
6 Missouri which the publicly traded partnership can reasonably
7 determine to be:

8 a. Six hundred dollars or more if the partner is an
9 individual; or

10 b. One hundred dollars or more if the partner is a
11 corporation or entity other than an individual;

12 (2) No later than one hundred eighty days after the final
13 determination date, each direct partner that is subject to tax
14 under sections 143.011 to 143.996, section 153.020, chapter 148,
15 or a Missouri tax on insurance companies or insurance providers,
16 shall:

17 (a) File a federal adjustments report reporting the
18 distributive share of the adjustments reported to them under
19 paragraph (b) of subdivision (1) of this subsection; and

20 (b) Pay any additional amount of tax due as if final
21 federal adjustments had been properly reported, plus any penalty
22 and interest due under sections 143.011 to 143.996 or any other
23 provision of law, and less any credit for related amounts paid or
24 withheld and remitted on behalf of the direct partner. The rate
25 of interest on any amount due shall be determined by section
26 32.068.

27 6. (1) Subject to the limitations provided under
28 subdivision (2) of this subsection, an audited partnership making

1 an election under this subsection shall:

2 (a) No later than ninety days after the final determination
3 date, file a completed federal adjustments report, including
4 information as required by department of revenue, and notify the
5 department of revenue that it is making the election under this
6 subsection;

7 (b) No later than ninety days after the final determination
8 date, pay an amount, determined as follows, in lieu of taxes owed
9 by its direct and indirect partners:

10 a. Exclude from final federal adjustments the distributive
11 share of such adjustments reported to a direct exempt partner not
12 subject to tax under sections 143.011 to 143.996;

13 b. For the total distributive shares of the remaining final
14 federal adjustments reported to direct corporate partners subject
15 to tax under section 143.071, and to direct exempt partners
16 subject to tax under sections 143.011 to 143.996, apportion and
17 allocate such adjustments as provided under section 143.455 if
18 applicable, and multiply the resulting amount by the tax rate
19 provided under section 143.071 for direct corporate partners and
20 direct exempt partners that are corporations, or the top rate of
21 tax under section 143.011 for direct exempt partners that are not
22 corporations;

23 c. For the total distributive shares of the remaining final
24 federal adjustments reported to non-resident direct partners
25 subject to tax under sections 143.011 to 143.996, determine the
26 amount of such adjustments which is derived from or connected
27 with sources in Missouri as described in section 143.421, and
28 multiply the resulting amount by the highest rate of tax under

1 section 143.011;

2 d. For the total distributive shares of the remaining final
3 federal adjustments reported to tiered partners:

4 (i) Determine the amount of such adjustments which is of a
5 type such that it would be subject to sourcing to this state
6 under section 143.421; and then determine the portion of such
7 amount that would be sourced to the state under section 143.421;

8 (ii) Determine the amount of such adjustments which is of a
9 type such that it would not be subject to sourcing to Missouri by
10 a nonresident partner under section 143.421;

11 (iii) Determine the portion of the amount determined in
12 item (ii) of this subparagraph that can be established, under
13 regulation issued by the department of revenue, to be properly
14 allocable to nonresident indirect partners or other partners not
15 subject to tax on the adjustments;

16 (iv) Multiply the sum of the amounts determined in
17 subparagraphs a and b of this paragraph, reduced by the amount
18 determined in subparagraph c of this paragraph, by the highest
19 rate of tax under section 143.011;

20 e. For the total distributive shares of the remaining final
21 federal adjustments reported to resident direct partners subject
22 to tax under section 143.011 or 143.061, multiply such amount by
23 the highest rate of tax under section 143.011;

24 f. For the total distributive shares of the remaining final
25 federal adjustments reported to direct partners subject to tax
26 under chapter 148, section 153.020, or a Missouri tax on
27 insurance companies or insurance providers, apportion and
28 allocate such adjustments in the manner provided by law for such

1 tax, if applicable, and multiply the resulting amount by the tax
2 rate applicable to such direct partner;

3 g. Add the amounts determined under subparagraphs b to f of
4 this paragraph, in addition to any penalty and interest as
5 provided under sections 143.011 to 143.961 or any other provision
6 of law. The rate of interest on any amount due shall be
7 determined by section 32.068.

8 (2) Final federal adjustments subject to the election
9 provided for under this subsection shall not include:

10 (a) The distributive share of final audit adjustments that
11 would, under section 143.455, be included in the apportionable
12 income of any direct or indirect corporate partner, provided that
13 the audited partnership can reasonably determine such amount; and

14 (b) Any final federal adjustments resulting from an
15 administrative adjustment request.

16 (3) An audited partnership not otherwise subject to any
17 reporting or payment obligation to Missouri that makes an
18 election under this subsection consents to be subject to Missouri
19 law related to reporting, assessment, payment, and collection of
20 Missouri tax calculated under this subsection.

21 7. The direct and indirect partners of an audited
22 partnership that are tiered partners, and all of the partners of
23 such tiered partners that are subject to tax under sections
24 143.011 to 143.961, shall be subject to the reporting and payment
25 requirements of subsection 5 of this section, and such tiered
26 partners shall be entitled to make the election provided under
27 subsection 6 of this section. The tiered partners or their
28 partners shall make required reports and payments no later than

1 ninety days after the time for filing and furnishing statements
2 to tiered partners and their partners as established under 26
3 U.S.C. Section 6226. The department of revenue may promulgate
4 rules to establish procedures and interim time periods for the
5 reports and payments required by tiered partners and their
6 partners, and for making the elections under subsection 6 of this
7 section.

8 8. (1) The election made under subsection 6 of this
9 section shall be irrevocable, unless the director of revenue, in
10 his or her discretion or that of the directors' designee,
11 determines otherwise.

12 (2) If properly reported and paid by the audited
13 partnership or tiered partner, the amount determined under
14 subdivision (2) of subsection 6 of this section shall be treated
15 as paid in lieu of taxes owed by its direct and indirect
16 partners, to the extent applicable, on the same final federal
17 adjustments. The direct partners or indirect partners shall not
18 take any deduction or credit on the determined amount, or claim a
19 refund of such amount in this state. Nothing in this subsection
20 shall preclude a direct resident partner from claiming a credit
21 against the tax otherwise due to this state under section
22 143.081, or any amounts paid by the audited partnership or tiered
23 partner on the resident partner's behalf to another state or
24 local tax jurisdiction in accordance with the provisions of
25 section 143.081.

26 9. Nothing in subsections 3 to 9 of this section shall be
27 construed to prevent the department of revenue from assessing
28 direct partners or indirect partners for taxes owed by such

1 partners, using the best information available, in the event that
2 a partnership or tiered partner fails to timely make any report
3 or payment required under subsections 3 to 9 of this section for
4 any reason.

5 10. The department of revenue shall assess additional tax,
6 interest, and penalties arising from final federal adjustments
7 arising from an audit by the IRS, including a partnership level
8 audit, or reported by the taxpayer on an amended federal income
9 tax return, or as part of an administrative adjustment request by
10 the following dates:

11 (1) If a taxpayer files with the department of revenue a
12 federal adjustments report or an amended Missouri tax return as
13 required within the period provided under subsections 2 to 9 of
14 this section, the department of revenue shall assess any amounts,
15 including in-lieu-of amounts, taxes, interest, and penalties
16 arising from such federal adjustments if the department of
17 revenue issues a notice of the assessment to the taxpayer no
18 later than:

19 (a) The expiration of the limitations period provided under
20 section 143.711; or

21 (b) The expiration of the one year period following the
22 date of filing with the department of revenue of the federal
23 adjustments report;

24 (2) If the taxpayer fails to file the federal adjustments
25 report within the period provided under subsections 2 to 9 of
26 this section, as appropriate, or the federal adjustments report
27 filed by the taxpayer omits final federal adjustments or
28 understates the correct amount of tax owed, the department of

1 revenue shall assess amounts or additional amounts including in-
2 lieu-of amounts, taxes, interest, and penalties arising from the
3 final federal adjustments, if it mails a notice of the assessment
4 to the taxpayer by a date which is the latest of the following:

5 (a) The expiration of the limitations period provided under
6 section 143.711;

7 (b) The expiration of the one year period following the
8 date the federal adjustments report was filed with the department
9 of revenue; or

10 (c) Absent fraud, the expiration of the six-year period
11 following the final determination date.

12 11. A taxpayer may make estimated payments to the
13 department of revenue of the Missouri tax expected to result from
14 a pending IRS audit, prior to the due date of the federal
15 adjustments report, without having to file such report with the
16 department of revenue. The estimated tax payments shall be
17 credited against any tax liability ultimately found to be due to
18 Missouri and shall limit the accrual of further interest on such
19 amount. If the estimated tax payments exceed the final tax
20 liability and interest ultimately determined to be due, the
21 taxpayer shall be entitled to a refund or credit for the excess,
22 provided the taxpayer files a federal adjustments report or claim
23 for refund or credit of tax under section 143.781 or 143.821 no
24 later than one year following the final determination date.

25 12. Except for final federal adjustments required to be
26 reported for federal purposes under 26 U.S.C. Section 6225(a)(2),
27 a taxpayer may file a claim for refund or credit of tax arising
28 from federal adjustments made by the IRS on or before the later

1 of:

2 (1) The expiration of the last day for filing a claim for
3 refund or credit of Missouri tax under section 143.801, including
4 any extensions; or

5 (2) One year from the date a federal adjustments report
6 required under subsections 2 to 9 of this section, as applicable,
7 was due to the department of revenue, including any extensions
8 provided under subsection 13 of this section.

9
10 The federal adjustments report shall serve as the means for the
11 taxpayer to report additional tax due, report a claim for refund
12 or credit of tax, and make other adjustments resulting from
13 adjustments to the taxpayer's federal taxable income.

14 13. (1) Unless otherwise agreed in writing by the taxpayer
15 and the department of revenue, any adjustments by the department
16 or by the taxpayer made after the expiration of the appropriate
17 limitations period provided under section 143.711 or 143.801
18 shall be limited to changes to the taxpayer's tax liability
19 arising from federal adjustments.

20 (2) For purposes of compliance with this section, the time
21 periods provided for in chapter 143 may be extended:

22 (a) Automatically, upon written notice to the department of
23 revenue, by ninety days for an audited partnership or tiered
24 partner which has one hundred or more direct partners; or

25 (b) By written agreement between the taxpayer and the
26 department of revenue.

27 (3) Any extension granted under this subsection for filing
28 the federal adjustments report extends the last day prescribed by

1 law for assessing any additional tax arising from the adjustments
2 to federal taxable income and the period for filing a claim for
3 refund or credit of taxes under section 143.781 or 143.821.

4 14. The department of revenue shall promulgate rules to
5 implement the provisions of this section. Any rule or portion of
6 a rule, as that term is defined in section 536.010, that is
7 created under the authority delegated in this section shall
8 become effective only if it complies with and is subject to all
9 of the provisions of chapter 536 and, if applicable, section
10 536.028. This section and chapter 536 are nonseverable and if
11 any of the powers vested with the general assembly pursuant to
12 chapter 536 to review, to delay the effective date, or to
13 disapprove and annul a rule are subsequently held
14 unconstitutional, then the grant of rulemaking authority and any
15 rule proposed or adopted after August 28, 2020, shall be invalid
16 and void.

17 15. The provisions of this section shall apply to any
18 adjustments to a taxpayer's federal taxable income or federal
19 adjusted gross income with a final determination date occurring
20 on or after January 1, 2021.

21 143.991. 1. The period of service in the Armed Forces of
22 the United States in a combat zone plus any period of continuous
23 hospitalization outside this state attributable to such service
24 plus the next one hundred eighty days shall be disregarded in
25 determining, under regulations to be promulgated by the director
26 of revenue, whether any act required by sections 143.011 to
27 143.996 was performed by a taxpayer within the time prescribed
28 therefor.

1 2. In the case of any individual who dies during an
2 induction period while in active service as a member of the Armed
3 Forces of the United States, if such death occurred while the
4 individual was serving in a combat zone or as a result of wounds,
5 disease, or injury incurred while so serving, the tax imposed by
6 sections 143.011 to 143.996 shall not apply with respect to the
7 taxable year in which falls the date of his or her death, or with
8 respect to any prior taxable year ending on or after the first
9 day he or she so served in a combat zone.

10 3. (1) In the case of a specified terrorist victim, the
11 tax imposed pursuant to this chapter shall not apply:

12 (a) With respect to the taxable year in which falls the
13 date of death; and

14 (b) With respect to any prior taxable year in the period
15 beginning with the last taxable year ending before the taxable
16 year in which the wounds or injury were incurred from an attack
17 as described in subdivision (3) of this subsection.

18 (2) The provisions of subdivision (1) of this subsection
19 shall not apply to the amount of any tax imposed pursuant to this
20 chapter which would be computed by only taking into account the
21 items of income, gain, or other amounts determined to be taxable
22 pursuant to 26 U.S.C. Section 692(d)(3), as amended.

23 (3) The provisions of subsection 1 of section 143.801 shall
24 not apply to claims for a refund made pursuant to this
25 subsection.

26 (4) For the purposes of this subsection, the term
27 "specified terrorist victim" means any decedent who dies:

28 (a) As a result of wounds or injury incurred as a result of

1 the terrorist attacks against the United States on September 11,
2 2001; or

3 (b) As a result of illness incurred as a result of an
4 attack involving anthrax occurring on or after September 11,
5 2001, and before January 1, 2002.

6
7 Such term shall not include any individual identified by the
8 Attorney General of the United States to have been a participant
9 or conspirator in any such attack or a representative of such an
10 individual.

11 205.202. 1. The governing body of any hospital district
12 established under sections 205.160 to 205.379 in any county of
13 the third classification without a township form of government
14 and with more than thirteen thousand five hundred but fewer than
15 thirteen thousand six hundred inhabitants may, by resolution,
16 abolish the property tax levied in such district under this
17 chapter and impose a sales tax on all retail sales made within
18 the district which are subject to sales tax under chapter 144.
19 The tax authorized in this section shall be not more than one
20 percent, and shall be imposed solely for the purpose of funding
21 the hospital district. The tax authorized in this section shall
22 be in addition to all other sales taxes imposed by law, and shall
23 be stated separately from all other charges and taxes.

24 2. No such resolution adopted under this section shall
25 become effective unless the governing body of the hospital
26 district submits to the voters residing within the district at a
27 state general, primary, or special election a proposal to
28 authorize the governing body of the district to impose a tax

1 under this section. If a majority of the votes cast on the
2 question by the qualified voters voting thereon are in favor of
3 the question, then the tax shall become effective on the first
4 day of the second calendar quarter after the director of revenue
5 receives notification of adoption of the local sales tax. If a
6 majority of the votes cast on the question by the qualified
7 voters voting thereon are opposed to the question, then the tax
8 shall not become effective unless and until the question is
9 resubmitted under this section to the qualified voters and such
10 question is approved by a majority of the qualified voters voting
11 on the question.

12 3. All revenue collected under this section by the director
13 of the department of revenue on behalf of the hospital district,
14 except for one percent for the cost of collection which shall be
15 deposited in the state's general revenue fund, shall be deposited
16 in a special trust fund, which is hereby created and shall be
17 known as the "Hospital District Sales Tax Fund", and shall be
18 used solely for the designated purposes. Moneys in the fund
19 shall not be deemed to be state funds, and shall not be
20 commingled with any funds of the state. The director may make
21 refunds from the amounts in the fund and credited to the district
22 for erroneous payments and overpayments made, and may redeem
23 dishonored checks and drafts deposited to the credit of such
24 district. Any funds in the special fund which are not needed for
25 current expenditures shall be invested in the same manner as
26 other funds are invested. Any interest and moneys earned on such
27 investments shall be credited to the fund.

28 4. The governing body of any hospital district that has

1 adopted the sales tax authorized in this section may submit the
2 question of repeal of the tax to the voters on any date available
3 for elections for the district. If a majority of the votes cast
4 on the question by the qualified voters voting thereon are in
5 favor of the repeal, that repeal shall become effective on
6 December thirty-first of the calendar year in which such repeal
7 was approved. If a majority of the votes cast on the question by
8 the qualified voters voting thereon are opposed to the repeal,
9 then the sales tax authorized in this section shall remain
10 effective until the question is resubmitted under this section to
11 the qualified voters and the repeal is approved by a majority of
12 the qualified voters voting on the question.

13 5. Whenever the governing body of any hospital district
14 that has adopted the sales tax authorized in this section
15 receives a petition, signed by a number of registered voters of
16 the district equal to at least ten percent of the number of
17 registered voters of the district voting in the last
18 gubernatorial election, calling for an election to repeal the
19 sales tax imposed under this section, the governing body shall
20 submit to the voters of the district a proposal to repeal the
21 tax. If a majority of the votes cast on the question by the
22 qualified voters voting thereon are in favor of the repeal, the
23 repeal shall become effective on December thirty-first of the
24 calendar year in which such repeal was approved. If a majority
25 of the votes cast on the question by the qualified voters voting
26 thereon are opposed to the repeal, then the sales tax authorized
27 in this section shall remain effective until the question is
28 resubmitted under this section to the qualified voters and the

1 repeal is approved by a majority of the qualified voters voting
2 on the question.

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

20 7. Upon the dissolution of a hospital district levying a
21 sales tax pursuant to this section, the sales tax shall be
22 automatically repealed and all funds remaining in the special
23 trust fund shall be distributed as follows:

24 (1) Twenty-five percent shall be distributed to the county
25 public health center established pursuant to sections 205.010 to
26 205.150; and

27 (2) Seventy-five percent shall be distributed to a
28 federally qualified health center, as defined in 42 U.S.C.

1 Section 1396d(1) (1) and (2), located in the county.

2 326.289. 1. The board may grant or renew permits to
3 practice as a certified public accounting firm to applicants that
4 demonstrate their qualifications in accordance with this chapter.

5 (1) The following shall hold a permit issued under this
6 chapter:

7 (a) Any firm with an office in this state, as defined by
8 the board by rule, offering or performing attest or compilation
9 services; or

10 (b) Any firm with an office in this state that uses the
11 title "CPA" or "CPA firm".

12 (2) Any firm that does not have an office in this state may
13 offer or perform attest or compilation services in this state
14 without a valid permit only if it meets each of the following
15 requirements:

16 (a) It complies with the qualifications described in
17 subdivision (1) of subsection 4 of this section;

18 (b) It complies with the requirements of peer review as set
19 forth in this chapter and the board's promulgated regulations;

20 (c) It performs such services through an individual with
21 practice privileges under section 326.283; and

22 (d) It can lawfully do so in the state where said
23 individual with the privilege to practice has his or her
24 principal place of business.

25 (3) A firm which is not subject to the requirements of
26 subdivisions (1) or (2) of this subsection may perform other
27 nonattest or noncompilation services while using the title "CPA"
28 or "CPA firm" in this state without a permit issued under this

1 section only if it:

2 (a) Performs such services through an individual with the
3 privilege to practice under section 326.283; and

4 (b) Can lawfully do so in the state where said individual
5 with privilege to practice has his or her principal place of
6 business.

7 (4) (a) All firms practicing public accounting in this
8 state shall register with the secretary of state.

9 (b) Firms which may be exempt from this requirement
10 include:

11 a. Sole proprietorships;

12 b. Trusts created pursuant to revocable trust agreements,
13 of which the trustee is a natural person who holds a license or
14 privilege to practice as set forth in section 326.280, 326.283,
15 or 326.286;

16 c. General partnerships not operating as a limited
17 liability partnership; or

18 d. Foreign professional corporations which do not meet
19 criteria of chapter 356 due to name or ownership, shall obtain a
20 certificate of authority as a general corporation.

21 Notwithstanding the provisions of chapter 356, the secretary of
22 state may issue a certificate of authority to a foreign
23 professional corporation which does not meet the criteria of
24 chapter 356 due to name or ownership, if the corporation meets
25 the requirements of this section and the rules of the board.

26 2. Permits shall be initially issued and renewed for
27 periods of not more than three years or for a specific period as
28 prescribed by board rule following issuance or renewal.

1 3. The board shall determine by rule the form for
2 application and renewal of permits and shall annually determine
3 the fees for permits and their renewals.

4 4. An applicant for initial issuance or renewal of a permit
5 to practice under this section shall be required to show that:

6 (1) A simple majority of the ownership of the firm, in
7 terms of financial interests and voting rights of all partners,
8 officers, principals, shareholders, members or managers, belongs
9 to licensees who are licensed in some state, and the partners,
10 officers, principals, shareholders, members or managers, whose
11 principal place of business is in this state and who perform
12 professional services in this state are licensees under section
13 326.280 or the corresponding provision of prior law. Although
14 firms may include nonlicensee owners, the firm and its ownership
15 shall comply with rules promulgated by the board;

16 (2) Any certified public accounting firm may include owners
17 who are not licensees provided that:

18 (a) The firm designates a licensee of this state, or in the
19 case of a firm which must have a permit under this section
20 designates a licensee of another state who meets the requirements
21 of section 326.283, who is responsible for the proper
22 registration of the firm and identifies that individual to the
23 board;

24 (b) All nonlicensee owners are active individual
25 participants in the certified public accounting firm or
26 affiliated entities;

27 (c) All owners are of good moral character; and

28 (d) The firm complies with other requirements as the board

1 may impose by rule;

2 (3) Any licensee who is responsible for supervising attest
3 services, or signs or authorizes someone to sign the licensee's
4 report on the financial statements on behalf of the firm, shall
5 meet competency requirements as determined by the board by rule
6 which shall include one year of experience in addition to the
7 experience required under subdivision (6) of subsection 1 of
8 section 326.280 and shall be verified by a licensee. The
9 additional experience required by this subsection shall include
10 experience in attest work supervised by a licensee.

11 5. An applicant for initial issuance or renewal of a permit
12 to practice shall register each office of the firm within this
13 state with the board and show that all attest and compilation
14 services rendered in this state are under the charge of a
15 licensee.

16 6. No licensee or firm holding a permit under this chapter
17 shall use a professional or firm name or designation that is
18 misleading as to:

19 (1) The legal form of the firm;

20 (2) The persons who are partners, officers, members,
21 managers or shareholders of the firm; or

22 (3) Any other matter.

23

24 The names of one or more former partners, members or shareholders
25 may be included in the name of a firm or its successor unless the
26 firm becomes a sole proprietorship because of the death or
27 withdrawal of all other partners, officers, members or
28 shareholders. A firm may use a fictitious name if the fictitious

1 name is registered with the board and is not otherwise
2 misleading. The name of a firm shall not include the name or
3 initials of an individual who is not a present or a past partner,
4 member or shareholder of the firm or its predecessor. The name
5 of the firm shall not include the name of an individual who is
6 not a licensee.

7 7. Applicants for initial issuance or renewal of permits
8 shall list in their application all states in which they have
9 applied for or hold permits as certified public accounting firms
10 and list any past denial, revocation, suspension or any
11 discipline of a permit by any other state. Each holder of or
12 applicant for a permit under this section shall notify the board
13 in writing within thirty days after its occurrence of any change
14 in the identities of partners, principals, officers,
15 shareholders, members or managers whose principal place of
16 business is in this state; any change in the number or location
17 of offices within this state; any change in the identity of the
18 persons in charge of such offices; and any issuance, denial,
19 revocation, suspension or any discipline of a permit by any other
20 state.

21 8. Firms which fall out of compliance with the provisions
22 of this section due to changes in firm ownership or personnel
23 after receiving or renewing a permit shall take corrective action
24 to bring the firm back into compliance as quickly as possible.
25 The board may grant a reasonable period of time for a firm to
26 take such corrective action. Failure to bring the firm back into
27 compliance within a reasonable period as defined by the board may
28 result in the suspension or revocation of the firm permit.

1 9. The board shall require by rule, as a condition to the
2 renewal of permits, that firms undergo, no more frequently than
3 once every three years, peer reviews conducted in a manner as the
4 board shall specify. The review shall include a verification
5 that individuals in the firm who are responsible for supervising
6 attest and compilation services or sign or authorize someone to
7 sign the accountant's report on the financial statements on
8 behalf of the firm meet the competency requirements set out in
9 the professional standards for such services, provided that any
10 such rule:

11 (1) Shall include reasonable provision for compliance by a
12 firm showing that it has within the preceding three years
13 undergone a peer review that is a satisfactory equivalent to peer
14 review generally required under this subsection;

15 (2) May require, with respect to peer reviews, that peer
16 reviews be subject to oversight by an oversight body established
17 or sanctioned by board rule, which shall periodically report to
18 the board on the effectiveness of the review program under its
19 charge and provide to the board a listing of firms that have
20 participated in a peer review program that is satisfactory to the
21 board; and

22 (3) Shall require, with respect to peer reviews, that the
23 peer review processes be operated and documents maintained in a
24 manner designed to preserve confidentiality, and that the board
25 or any third party other than the oversight body shall not have
26 access to documents furnished or generated in the course of the
27 peer review of the firm except as provided in subdivision (2) of
28 this subsection.

1 10. The board may, by rule, charge a fee for oversight of
2 peer reviews, provided that the fee charged shall be
3 substantially equivalent to the cost of oversight.

4 11. Notwithstanding any other provision in this section,
5 the board may obtain the following information regarding peer
6 review from any approved American Institute for Certified Public
7 Accountants peer review program:

8 (1) The firm's name and address;

9 (2) The firm's dates of enrollment in the program;

10 (3) The date of acceptance and the period covered by the
11 firm's most recently accepted peer review; and

12 (4) If applicable, whether the firm's enrollment in the
13 program has been dropped or terminated.

14 12. In connection with proceedings before the board or upon
15 receipt of a complaint involving the licensee performing peer
16 reviews, the board shall not have access to any documents
17 furnished or generated in the course of the performance of the
18 peer reviews except for peer review reports, letters of comment
19 and summary review memoranda. The documents shall be furnished
20 to the board only in a redacted manner that does not specifically
21 identify any firm or licensee being peer reviewed or any of their
22 clients.

23 [12.] 13. The peer review processes shall be operated and
24 the documents generated thereby be maintained in a manner
25 designed to preserve their confidentiality. No third party,
26 other than the oversight body, the board, subject to the
27 provisions of subsection [11] 12 of this section, or the
28 organization performing peer review shall have access to

1 documents furnished or generated in the course of the review.
2 All documents shall be privileged and closed records for all
3 purposes and all meetings at which the documents are discussed
4 shall be considered closed meetings under subdivision (1) of
5 section 610.021. The proceedings, records and workpapers of the
6 board and any peer review subjected to the board process shall be
7 privileged and shall not be subject to discovery, subpoena or
8 other means of legal process or introduction into evidence at any
9 civil action, arbitration, administrative proceeding or board
10 proceeding. No member of the board or person who is involved in
11 the peer review process shall be permitted or required to testify
12 in any civil action, arbitration, administrative proceeding or
13 board proceeding as to any matters produced, presented, disclosed
14 or discussed during or in connection with the peer review process
15 or as to any findings, recommendations, evaluations, opinions or
16 other actions of such committees or any of its members; provided,
17 however, that information, documents or records that are publicly
18 available shall not be subject to discovery or use in any civil
19 action, arbitration, administrative proceeding or board
20 proceeding merely because they were presented or considered in
21 connection with the peer review process.

22 347.044. 1. Every limited liability company organized
23 pursuant to this chapter and every foreign limited liability
24 company registered in this state shall file an information
25 statement with the secretary of state.

26 2. The information statement shall include:

27 (1) The name of the limited liability company or foreign
28 limited liability company;

1 (2) The company charter number assigned by the secretary of
2 state;

3 (3) The address of the principal place of business;

4 (4) The address, including street and number, if any, of
5 the registered office and the name of the registered agent at
6 such office; and

7 (5) If a foreign limited liability company, the state or
8 other jurisdiction under whose law the company is formed.

9 3. The information statement shall be current as of the
10 date the statement is filed with the secretary of state.

11 4. The limited liability company or foreign limited
12 liability company shall file an information statement every five
13 years, and the information statement shall be due on the
14 fifteenth day of the month in which the anniversary of the date
15 the limited liability company or foreign limited liability
16 company organized or registered in Missouri occurs. For limited
17 liability companies and foreign limited liability companies that
18 organized or registered in an odd-numbered year before January 1,
19 2021, the first information statement shall be due in 2024. For
20 limited liability companies and foreign limited liability
21 companies that organized or registered in an even-numbered year
22 before January 1, 2020, the first information statement shall be
23 due in 2023.

24 5. The information statement shall be signed by an
25 authorized person.

26 6. If the information statement does not contain the
27 information required under this section, the secretary of state
28 shall promptly notify the limited liability company or foreign

1 limited liability company and return the information statement
2 for completion. The entity shall return the completed
3 information statement to the secretary within sixty days of the
4 issuance of the notice.

5 7. Ninety days before the statement is due, the secretary
6 of state shall send notice to each limited liability company or
7 foreign limited liability company that the information statement
8 is due. The notice shall be directed to the limited liability
9 company's registered office as stated in the company's most
10 recent filing with the secretary of state.

11 347.179. 1. The secretary shall charge and collect:

12 (1) For filing the original articles of organization, a fee
13 of ~~[one hundred]~~ ninety-five dollars;

14 (2) For filing the original articles of organization
15 online, in an electronic format prescribed by the secretary of
16 state, a fee of ~~[forty-five]~~ thirty-five dollars;

17 (3) Applications for registration of foreign limited
18 liability companies and issuance of a certificate of registration
19 to transact business in this state, a fee of one hundred dollars;

20 (4) Amendments to and restatements of articles of limited
21 liability companies to application for registration of a foreign
22 limited liability company or any other filing otherwise provided
23 for, a fee of twenty dollars;

24 (5) Articles of termination of limited liability companies
25 or cancellation of registration of foreign limited liability
26 companies, a fee of twenty dollars or, if filed online in an
27 electronic format prescribed by the secretary, a fee of ten
28 dollars;

1 (6) For filing notice of merger or consolidation, a fee of
2 twenty dollars;

3 (7) For filing a notice of winding up, a fee of twenty
4 dollars or, if filed online in an electronic format prescribed by
5 the secretary, a fee of ten dollars;

6 (8) For issuing a certificate of good standing, a fee of
7 five dollars;

8 (9) For a notice of the abandonment of merger or
9 consolidation, a fee of twenty dollars;

10 (10) For furnishing a copy of any document or instrument, a
11 fee of fifty cents per page;

12 (11) For accepting an application for reservation of a
13 name, or for filing a notice of the transfer or cancellation of
14 any name reservation, a fee of twenty dollars;

15 (12) For filing a statement of change of address of
16 registered office or registered agent, or both, a fee of five
17 dollars;

18 (13) For any service of notice, demand, or process upon the
19 secretary as resident agent of a limited liability company, a fee
20 of twenty dollars, which amount may be recovered as taxable costs
21 by the party instituting such suit, action, or proceeding causing
22 such service to be made if such party prevails therein;

23 (14) For filing an amended certificate of registration a
24 fee of twenty dollars; [and]

25 (15) For filing a statement of correction a fee of five
26 dollars;

27 (16) For filing an information statement for a domestic or
28 foreign limited liability company, a fee of fifteen dollars or,

1 if filing online in an electronic format prescribed by the
2 secretary, a fee of five dollars; and

3 (17) For filing a withdrawal of an erroneously or
4 accidentally filed notice of winding up or articles of
5 termination, a fee of ninety-five dollars.

6 2. Fees mandated in subdivisions (1) and (2) of subsection
7 1 of this section and for application for reservation of a name
8 in subdivision (11) of subsection 1 of this section shall be
9 waived if an organizer who is listed as a member in the operating
10 agreement of the limited liability company is a member of the
11 Missouri National Guard or any other active duty military,
12 resides in the state of Missouri, and provides proof of such
13 service to the secretary of state.

14 347.183. In addition to the other powers of the secretary
15 established in sections 347.010 to 347.187, the secretary shall,
16 as is reasonably necessary to enable the secretary to administer
17 sections 347.010 to 347.187 efficiently and to perform the
18 secretary's duties, have the following powers including, but not
19 limited to:

20 (1) The power to examine the books and records of any
21 limited liability company to which sections 347.010 to 347.187
22 apply, and it shall be the duty of any manager, member or agent
23 of such limited liability company having possession or control of
24 such books and records to produce such books and records for
25 examination on demand of the secretary or his designated
26 employee; except that no person shall be subject to any criminal
27 prosecution on account of any matter or thing which may be
28 disclosed by examination of any limited liability company books

1 and records, which they may produce or exhibit for examination;
2 or on account of any other matter or thing concerning which they
3 may make any voluntary and truthful statement in writing to the
4 secretary or his designated employee. All facts obtained in the
5 examination of the books and records of any limited liability
6 company, or through the voluntary sworn statement of any manager,
7 member, agent or employee of any limited liability company, shall
8 be treated as confidential, except insofar as official duty may
9 require the disclosure of same, or when such facts are material
10 to any issue in any legal proceeding in which the secretary or
11 his designated employee may be a party or called as witness, and,
12 if the secretary or his designated employee shall, except as
13 provided in this subdivision, disclose any information relative
14 to the private accounts, affairs, and transactions of any such
15 limited liability company, he shall be guilty of a class C
16 misdemeanor. If any manager, member or registered agent in
17 possession or control of such books and records of any such
18 limited liability company shall refuse a demand of the secretary
19 or his designated employee, to exhibit the books and records of
20 such limited liability company for examination, such person shall
21 be guilty of a class B misdemeanor;

22 (2) The power to cancel or disapprove any articles of
23 organization or other filing required under sections 347.010 to
24 347.187, if the limited liability company fails to comply with
25 the provisions of sections 347.010 to 347.187 by failing to file
26 required documents under sections 347.010 to 347.187, by failing
27 to maintain a registered agent, by failing to pay the required
28 filing fees, by using fraud or deception in effecting any filing,

1 by filing a required document containing a false statement, or by
2 violating any section or sections of the criminal laws of
3 Missouri, the federal government or any other state of the United
4 States. Thirty days before such cancellation shall take effect,
5 the secretary shall notify the limited liability company with
6 written notice, either personally or by certified mail, deposited
7 in the United States mail in a sealed envelope addressed to such
8 limited liability company's last registered agent in office, or
9 to one of the limited liability company's members or managers.
10 Written notice of the secretary's proposed cancellation to the
11 limited liability company, domestic or foreign, shall specify the
12 reasons for such action. The limited liability company may
13 appeal this notice of proposed cancellation to the circuit court
14 of the county in which the registered office of such limited
15 liability company is or is proposed to be situated by filing with
16 the clerk of such court a petition setting forth a copy of the
17 articles of organization or other relevant documents and a copy
18 of the proposed written cancellation thereof by the secretary,
19 such petition to be filed within thirty days after notice of such
20 cancellation shall have been given, and the matter shall be tried
21 by the court, and the court shall either sustain the action of
22 the secretary or direct him to take such action as the court may
23 deem proper. An appeal from the circuit court in such a case
24 shall be allowed as in civil action. The limited liability
25 company may provide information to the secretary that would allow
26 the secretary to withdraw the notice of proposed cancellation.
27 This information may consist of, but need not be limited to,
28 corrected statements and documents, new filings, affidavits and

1 certified copies of other filed documents;

2 (3) The power to rescind cancellation provided for in
3 subdivision (2) of this section upon compliance with either of
4 the following:

5 (a) The affected limited liability company provides the
6 necessary documents and affidavits indicating the limited
7 liability company has corrected the conditions causing the
8 proposed cancellation or the cancellation; or

9 (b) The limited liability company provides the correct
10 statements or documentation that the limited liability company is
11 not in violation of any section of the criminal code; and

12 (4) The power to charge late filing fees for any filing fee
13 required under sections 347.010 to 347.187 and the power to
14 impose civil penalties as provided in section 347.053. Late
15 filing fees shall be assessed at a rate of ten dollars for each
16 thirty-day period of delinquency;

17 (5) (a) The power to administratively cancel [an]:

18 a. Articles of organization if the limited liability
19 company's period of duration stated in articles of organization
20 expires or if the limited liability company fails to timely file
21 its information statement; or

22 b. The registration of a foreign limited liability company
23 if the foreign limited liability company fails to timely file its
24 information statement.

25 (b) Not less than thirty days before such administrative
26 cancellation shall take effect, the secretary shall notify the
27 domestic or foreign limited liability company with written
28 notice, either personally or by mail. If mailed, the notice

1 shall be deemed delivered five days after it is deposited in the
2 United States mail in a sealed envelope addressed to such limited
3 liability company's last registered agent and office or to one of
4 the limited liability company's managers or members.

5 (c) If the limited liability company does not timely file
6 an articles of amendment in accordance with section 347.041 to
7 extend the duration of the limited liability company, which may
8 be any number of years or perpetual, or demonstrate to the
9 reasonable satisfaction of the secretary that the period of
10 duration determined by the secretary is incorrect, within sixty
11 days after service of the notice is perfected by posting with the
12 United States Postal Service, then the secretary shall cancel the
13 articles of organization by signing an administrative
14 cancellation that recites the grounds for cancellation and its
15 effective date. The secretary shall file the original of the
16 administrative cancellation and serve a copy on the limited
17 liability company as provided in section 347.051.

18 (d) A limited liability company whose articles of
19 organization has been administratively cancelled continues its
20 existence but may not carry on any business except that necessary
21 to wind up and liquidate its business and affairs under section
22 347.147 and notify claimants under section 347.141.

23 (e) The administrative cancellation of an articles of
24 organization does not terminate the authority of its registered
25 agent.

26 (f) If a limited liability company does not timely file an
27 information statement in accordance with section 347.044 within
28 sixty days after service of the notice is perfected by posting

1 with the United States Postal Service or fails to demonstrate to
2 the reasonable satisfaction of the secretary that the information
3 statement was timely filed, the secretary shall cancel the
4 articles of organization by signing an administrative
5 cancellation that states the grounds for cancellation and the
6 effective date of the cancellation. The secretary shall file the
7 original administrative cancellation and serve a copy to the
8 limited liability company as provided under section 347.051.

9 (g) If a foreign limited liability company does not timely
10 file an information statement in accordance with section 347.044
11 within sixty days after service of the notice is perfected by
12 posting with the United States Postal Service or fails to
13 demonstrate to the reasonable satisfaction of the secretary that
14 the information statement was timely filed, the secretary shall
15 cancel the registration of the foreign limited liability company
16 by signing an administrative cancellation that states the grounds
17 for cancellation and the effective date of the cancellation. The
18 secretary shall file the original administrative cancellation and
19 serve a copy to the foreign limited liability company as provided
20 in section 347.051. A foreign limited liability company whose
21 registration has been administratively cancelled may continue its
22 existence but shall not conduct any business in this state except
23 to wind up and liquidate its business and affairs in this state.

24 (6) (a) The power to rescind an administrative
25 cancellation and reinstate the articles of organization.

26 (b) Except as otherwise provided in the operating
27 agreement, a limited liability company whose articles of
28 organization has been administratively cancelled under

1 subdivision (5) of this section may file an articles of amendment
2 in accordance with section 347.041 to extend the duration of the
3 limited liability company, which may be any number or perpetual.

4 (c) A limited liability company whose articles of
5 organization has been administratively cancelled under
6 subdivision (5) of this section may apply to the secretary for
7 reinstatement. The applicant shall:

8 a. Recite the name of the limited liability company and the
9 effective date of its administrative cancellation;

10 b. State that the grounds for cancellation either did not
11 exist or have been eliminated, as applicable, and be accompanied
12 by documentation satisfactory to the secretary evidencing the
13 same;

14 c. State that the limited liability company's name
15 satisfies the requirements of section 347.020;

16 d. Be accompanied by a reinstatement fee in the amount of
17 [one hundred] ninety-five dollars, or such greater amount as
18 required by state regulation, plus any delinquent fees,
19 penalties, and other charges as determined by the secretary to
20 then be due.

21 (d) If the secretary determines that the application
22 contains the information and is accompanied by the fees required
23 in paragraph (c) of this subdivision and that the information and
24 fees are correct, the secretary shall rescind the cancellation
25 and prepare a certificate of reinstatement that recites his or
26 her determination and the effective date of reinstatement, file
27 the original articles of organization, and serve a copy on the
28 limited liability company as provided in section 347.051.

1 (e) When the reinstatement is effective, it shall relate
2 back to and take effect as of the effective date of the
3 administrative cancellation of the articles of organization and
4 the limited liability company may continue carrying on its
5 business as if the administrative cancellation had never
6 occurred.

7 (f) In the event the name of the limited liability company
8 was reissued by the secretary to another entity prior to the time
9 application for reinstatement was filed, the limited liability
10 company applying for reinstatement may elect to reinstate using a
11 new name that complies with the requirements of section 347.020
12 and that has been approved by appropriate action of the limited
13 liability company for changing the name thereof.

14 (g) If the secretary denies a limited liability company's
15 application for reinstatement following administrative
16 cancellation of the articles of organization, he or she shall
17 serve the limited liability company as provided in section
18 347.051 with a written notice that explains the reason or reasons
19 for denial.

20 (h) The limited liability company may appeal a denial of
21 reinstatement as provided for in subdivision (2) of this section.

22 ~~[(7)]~~ (i) This subdivision ~~[(6) of this section]~~ shall apply
23 to any limited liability company whose articles of organization
24 was cancelled because such limited liability company's period of
25 duration stated in the articles of organization expired on or
26 after August 28, 2003.

27 (7) The power to rescind an administrative cancellation and
28 reinstate the registration of a foreign limited liability

1 company. The following procedures apply:

2 (a) A foreign limited liability company whose registration
3 was administratively cancelled under subdivision (5) of this
4 section may apply to the secretary for reinstatement. The
5 application shall:

6 a. State the name of the foreign limited liability company
7 and the date of the administrative cancellation;

8 b. State that the grounds for cancellation either did not
9 exist or have been eliminated, with supporting documentation
10 satisfactory to the secretary;

11 c. State that the foreign limited liability company's name
12 satisfies the requirements of section 347.020; and

13 d. Include a reinstatement fee in the amount of ninety-five
14 dollars, or a higher amount if required by state regulation, and
15 any delinquent fees, penalties, or other charges as the secretary
16 determines are due;

17 (b) If the secretary determines that the application
18 satisfies the requirements under paragraph (a) of this
19 subdivision, the secretary shall rescind the cancellation and
20 prepare a certificate of reinstatement that includes the
21 effective date of reinstatement and shall deliver a copy to the
22 limited liability company as provided under section 347.051;

23 (c) If reinstatement is granted, the administrative
24 cancellation shall be retroactively voided, and the foreign
25 limited liability company may conduct its business as if the
26 administrative cancellation never occurred;

27 (d) If the name of the foreign limited liability company
28 was issued to another entity before the application for

1 reinstatement was filed, the foreign limited liability company
2 applying for reinstatement may elect to reinstate using a new
3 name that complies with the requirements under section 347.020
4 and is approved by appropriate action of the foreign limited
5 liability company for changing its name;

6 (e) If the secretary denies a foreign limited liability
7 company's application for reinstatement, the secretary shall
8 serve the limited liability company with a written notice as
9 provided under section 347.051 that explains the reason for
10 denial; and

11 (f) The foreign limited liability company may appeal a
12 denial of reinstatement by using the procedure under subdivision
13 (2) of this section; and

14 (8) The power to reinstate a limited liability company that
15 erroneously or accidentally filed a notice of winding up or
16 notice of termination. The following procedures apply:

17 (a) A limited liability company whose articles of
18 organization were terminated due to an erroneously or
19 accidentally filed notice of winding up or notice of termination
20 may apply to the secretary for reinstatement by filing a
21 withdrawal of notice of winding up or withdrawal of notice of
22 termination. The application shall:

23 a. State the name of the limited liability company and the
24 filing date of the erroneous or accidental notice;

25 b. State the grounds for erroneously or accidentally filing
26 the notice, with supporting documentation satisfactory to the
27 secretary;

28 c. State that the limited liability company's name

1 satisfies the requirements under section 347.020; and

2 d. Include a reinstatement fee in the amount of ninety-five
3 dollars, or a higher amount if required by state regulation, and
4 any delinquent fees, penalties, or other charges as the secretary
5 determines are due;

6 (b) If the secretary determines that the application
7 satisfies the requirements under paragraph (a) of this
8 subdivision, the secretary shall rescind the notice of winding up
9 or notice of termination and prepare a certificate of
10 reinstatement that includes the effective notice of termination
11 and prepare a certificate of reinstatement that includes the
12 affected limited liability company as provided under section
13 347.051;

14 (c) If reinstatement is granted, the termination of the
15 articles of organization shall be retroactively voided, and the
16 limited liability company may conduct its business as if the
17 administrative cancellation never occurred;

18 (d) If the name of the limited liability company was issued
19 to another entity before the application for reinstatement was
20 filed, the limited liability company applying for the
21 reinstatement may elect to reinstate using a new name that
22 complies with the requirements under section 347.020 and is
23 approved by appropriate action of the limited liability company
24 for changing its name;

25 (e) If the secretary of state denies a limited liability
26 company's application for reinstatement, the secretary shall
27 serve the limited liability company with a written notice as
28 provided under section 347.051 that explains the reason for

1 denial;

2 (f) The limited liability company may appeal a denial of
3 reinstatement by using the procedure under subdivision (2) of
4 this section.

5 358.460. 1. The exclusive right to the use of a name of a
6 registered limited liability partnership or foreign registered
7 limited liability partnership may be reserved by:

8 (1) Any person intending to become a registered limited
9 liability partnership or foreign registered limited liability
10 partnership under this chapter and to adopt that name; and

11 (2) Any registered limited liability partnership or foreign
12 registered limited liability partnership which proposes to change
13 its name.

14 2. The reservation of a specified name shall be made by
15 filing with the secretary of state an application, executed by
16 the applicant, specifying the name to be reserved and the name
17 and address of the applicant. If the secretary of state finds
18 that the name is available for use by a registered limited
19 liability partnership or foreign registered limited liability
20 partnership, the secretary of state shall reserve the name for
21 the exclusive use of the applicant for a period of sixty days. A
22 name reservation shall not exceed a period of one hundred eighty
23 days from the date of the first name reservation application.
24 Upon the one hundred eighty-first day the name shall cease
25 reserve status and shall not be placed back in such status. The
26 right to the exclusive use of a reserved name may be transferred
27 to any other person by filing in the office of the secretary of
28 state a notice of the transfer, executed by the applicant for

1 whom the name was reserved, specifying the name to be transferred
2 and the name and address of the transferee. The reservation of a
3 specified name may be cancelled by filing with the secretary of
4 state a notice of cancellation, executed by the applicant or
5 transferee, specifying the name reservation to be cancelled and
6 the name and address of the applicant or transferee.

7 3. A fee in the amount of [twenty-five] twenty dollars
8 shall be paid to the secretary of state upon receipt for filing
9 of an application for reservation of name, an application for
10 renewal of reservation or a notice of transfer or cancellation
11 pursuant to this section. All moneys from the payment of this
12 fee shall be deposited into the general revenue fund.

13 358.470. 1. Each registered limited liability partnership
14 and each foreign registered limited liability partnership shall
15 have and maintain in the state of Missouri:

16 (1) A registered office, which may, but need not be, a
17 place of its business in the state of Missouri; and

18 (2) A registered agent for service of process on the
19 registered limited liability partnership or foreign registered
20 limited liability partnership, which agent may be either an
21 individual resident of the state of Missouri whose business
22 office is identical with the registered limited liability
23 partnership's or foreign registered limited liability
24 partnership's registered office, or a domestic corporation, or a
25 foreign corporation authorized to do business in the state of
26 Missouri, having a business office identical with such registered
27 office or the registered limited liability partnership or foreign
28 registered limited liability partnership itself.

1 2. A registered agent may change the address of the
2 registered office of the registered limited liability
3 partnerships or foreign registered limited liability partnerships
4 for which the agent is the registered agent to another address in
5 the state of Missouri by paying a fee in the amount of [ten] five
6 dollars[, and a further fee in the amount of two dollars] for
7 each registered limited liability partnership or foreign
8 registered limited liability partnership affected thereby, to the
9 secretary of state and filing with the secretary of state a
10 certificate, executed by such registered agent, setting forth the
11 names of all the registered limited liability partnerships or
12 foreign registered limited liability partnerships represented by
13 such registered agent, and the address at which such registered
14 agent has maintained the registered office for each of such
15 registered limited liability partnerships or foreign registered
16 limited liability partnerships, and further certifying to the new
17 address to which such registered office will be changed on a
18 given day, and at which new address such registered agent will
19 thereafter maintain the registered office for each of the
20 registered limited liability partnerships or foreign registered
21 limited liability partnerships recited in the certificate. Upon
22 the filing of such certificate, the secretary of state shall
23 furnish to the registered agent a certified copy of the same
24 under the secretary of state's hand and seal of office, and
25 thereafter, or until further change of address, as authorized by
26 law, the registered office in the state of Missouri of each of
27 the registered limited liability partnerships or foreign
28 registered limited liability partnerships recited in the

1 certificate shall be located at the new address of the registered
2 agent thereof as given in the certificate. In the event of a
3 change of name of any person acting as a registered agent of a
4 registered limited liability partnership or foreign registered
5 limited liability partnership, such registered agent shall file
6 with the secretary of state a certificate, executed by such
7 registered agent, setting forth the new name of such registered
8 agent, the name of such registered agent before it was changed,
9 the names of all the registered limited liability partnerships or
10 foreign registered limited liability partnerships represented by
11 such registered agent, and the address at which such registered
12 agent has maintained the registered office for each of such
13 registered limited liability partnerships or foreign registered
14 limited liability partnerships, and shall pay a fee in the amount
15 of [~~twenty-five~~] five dollars[, and a further fee in the amount
16 of two dollars] for each registered limited liability partnership
17 or foreign registered limited liability partnership affected
18 thereby, to the secretary of state. Upon the filing of such
19 certificate, the secretary of state shall furnish to the
20 registered agent a certified copy of the same under the secretary
21 of state's hand and seal of office. Filing a certificate under
22 this section shall be deemed to be an amendment of the
23 application, renewal application or notice filed pursuant to
24 subsection 19 of section 358.440, as the case may be, of each
25 registered limited liability partnership or foreign registered
26 limited liability partnership affected thereby, and each such
27 registered limited liability partnership or foreign registered
28 limited liability partnership shall not be required to take any

1 further action with respect thereto to amend its application,
2 renewal application or notice filed, as the case may be, pursuant
3 to section 358.440. Any registered agent filing a certificate
4 under this section shall promptly, upon such filing, deliver a
5 copy of any such certificate to each registered limited liability
6 partnership or foreign registered limited liability partnership
7 affected thereby.

8 3. The registered agent of one or more registered limited
9 liability partnerships or foreign registered limited liability
10 partnerships may resign and appoint a successor registered agent
11 by paying a fee in the amount of [~~fifty~~] five dollars[, and a
12 further fee in the amount of two dollars] for each registered
13 limited liability partnership or foreign registered limited
14 liability partnership affected thereby, to the secretary of state
15 and filing a certificate with the secretary of state, stating
16 that it resigns and the name and address of the successor
17 registered agent. There shall be attached to such certificate a
18 statement executed by each affected registered limited liability
19 partnership or foreign registered limited liability partnership
20 ratifying and approving such change of registered agent. Upon
21 such filing, the successor registered agent shall become the
22 registered agent of such registered limited liability
23 partnerships or foreign registered limited liability partnerships
24 as have ratified and approved such substitution and the successor
25 registered agent's address, as stated in such certificate, shall
26 become the address of each such registered limited liability
27 partnership's or foreign registered limited liability
28 partnership's registered office in the state of Missouri. The

1 secretary of state shall furnish to the successor registered
2 agent a certified copy of the certificate of resignation. Filing
3 of such certificate of resignation shall be deemed to be an
4 amendment of the application, renewal application or notice filed
5 pursuant to subsection 19 of section 358.440, as the case may be,
6 of each registered limited liability partnership or foreign
7 registered limited liability partnership affected thereby, and
8 each such registered limited liability partnership or foreign
9 registered limited liability partnership shall not be required to
10 take any further action with respect thereto, to amend its
11 application, renewal application or notice filed pursuant to
12 subsection 19 of section 358.440, as the case may be, pursuant to
13 section 358.440.

14 4. The registered agent of a registered limited liability
15 partnership or foreign registered limited liability partnership
16 may resign without appointing a successor registered agent by
17 paying a fee in the amount of [ten] five dollars to the secretary
18 of state and filing a certificate with the secretary of state
19 stating that it resigns as registered agent for the registered
20 limited liability partnership or foreign registered limited
21 liability partnership identified in the certificate, but such
22 resignation shall not become effective until one hundred twenty
23 days after the certificate is filed. There shall be attached to
24 such certificate an affidavit of such registered agent, if an
25 individual, or the president, a vice president or the secretary
26 thereof if a corporation, that at least thirty days prior to and
27 on or about the date of the filing of the certificate, notices
28 were sent by certified or registered mail to the registered

1 limited liability partnership or foreign registered limited
2 liability partnership for which such registered agent is
3 resigning as registered agent, at the principal office thereof
4 within or outside the state of Missouri, if known to such
5 registered agent or, if not, to the last known address of the
6 attorney or other individual at whose request such registered
7 agent was appointed for such registered limited liability
8 partnership or foreign registered limited liability partnership,
9 of the resignation of such registered agent. After receipt of
10 the notice of the resignation of its registered agent, the
11 registered limited liability partnership or foreign registered
12 limited liability partnership for which such registered agent was
13 acting shall obtain and designate a new registered agent, to take
14 the place of the registered agent so resigning. If such
15 registered limited liability partnership or foreign registered
16 limited liability partnership fails to obtain and designate a new
17 registered agent prior to the expiration of the period of one
18 hundred twenty days after the filing by the registered agent of
19 the certificate of resignation, the application, renewal
20 application or notice filed pursuant to subsection 19 of section
21 358.440 of such registered limited liability partnership or
22 foreign registered limited liability partnership shall be deemed
23 to be cancelled.

24 620.3210. 1. This section shall be known and may be cited
25 as the "Capitol Complex Tax Credit Act".

26 2. As used in this section, the following terms shall mean:

27 (1) "Board", the Missouri development finance board, a body
28 corporate and politic created under sections 100.250 to 100.297

1 and 100.700 to 100.850;

2 (2) "Capitol complex", the following buildings located in
3 Jefferson City, Missouri:

4 (a) State capitol building, 201 West Capitol Avenue;

5 (b) Supreme court building, 207 West High Street;

6 (c) Old Federal Courthouse, 131 West High Street;

7 (d) Highway building, 105 Capitol Avenue;

8 (e) Governor's mansion, 100 Madison Street;

9 (3) "Certificate", a tax credit certificate issued under
10 this section;

11 (4) "Department", the Missouri department of economic
12 development;

13 (5) "Eligible artifact", any items of personal property
14 specifically for display in a building in the capitol complex or
15 former fixtures which were previously owned by the state and used
16 within the capitol complex, but which had been removed. The
17 board of public buildings shall, in their sole discretion, make
18 all determinations as to which items are eligible artifacts and
19 may employ such experts as may be useful to them in making such a
20 determination;

21 (6) "Eligible artifact donation", a donation of an eligible
22 artifact to the board of public buildings. The value of such
23 donation shall be set by the board of public buildings who may
24 employ such experts as may be useful to them in making such a
25 determination. The board of public buildings shall, in their
26 sole discretion, determine if an artifact is to be accepted;

27 (7) "Eligible monetary donation", donations received from a
28 qualified donor to the capitol complex fund, created in this

1 section, or to an organization exempt from taxation under
2 501(c)(3) of the Internal Revenue Service Code of 1986, as
3 amended, whose mission and purpose is to restore, renovate,
4 improve, and maintain one or more buildings in the capitol
5 complex, that are to be used solely for projects to restore,
6 renovate, improve, and maintain buildings and their furnishings
7 in the capitol complex and the administration thereof. Eligible
8 donations may include:

9 (a) Cash, including checks, money orders, credit card
10 payments, or similar cash equivalents valued at the face value of
11 the currency. Currency of other nations shall be valued based on
12 the exchange rate on the date of the gift. The date of the
13 donation shall be the date that cash or check is received by the
14 applicant or the date posted to the donor's account in the case
15 of credit or debit cards;

16 (b) Stocks from a publicly traded company;

17 (c) Bonds which are publicly traded;

18 (8) "Eligible recipient", the capitol complex fund, created
19 in this section, or an organization exempt from taxation under
20 501(c)(3) of the Internal Revenue Service Code of 1986, as
21 amended, whose mission and purpose is to restore, renovate,
22 improve, and maintain one or more buildings in the capitol
23 complex;

24 (9) "Qualified donor", any of the following individuals or
25 entities who make an eligible monetary donation or eligible
26 artifact donation to the capitol complex fund or other eligible
27 recipient:

28 (a) A person, firm, partner in a firm, corporation, or a

1 shareholder in an S corporation doing business in the state of
2 Missouri and subject to the state income tax imposed in chapter
3 143;

4 (b) A corporation subject to the annual corporation
5 franchise tax imposed in chapter 147;

6 (c) An insurance company paying an annual tax on its gross
7 premium receipts in this state;

8 (d) Any other financial institution paying taxes to the
9 state of Missouri or any political subdivision of this state
10 under chapter 148;

11 (e) An individual subject to the state income tax imposed
12 in chapter 143;

13 (f) Any charitable organization, including any foundation
14 or not-for-profit corporation, which is exempt from federal
15 income tax and whose Missouri unrelated business taxable income,
16 if any, would be subject to the state income tax imposed under
17 chapter 143.

18 3. There is hereby created a fund to be known as the
19 "Capitol Complex Fund", separate and distinct from all other
20 board funds, which is hereby authorized to receive any eligible
21 monetary donation as provided in this section. The capitol
22 complex fund shall be segregated into two accounts: a
23 rehabilitation and renovation account and a maintenance account.
24 Ninety percent of the revenues received from eligible donations
25 pursuant to the provisions of this section shall be deposited in
26 the rehabilitation and renovation account and seven and one-half
27 percent of such revenues shall be deposited in the maintenance
28 account. The assets of these accounts, together with any

1 interest which may accrue thereon, shall be used by the board
2 solely for the purposes of restoration and maintenance of the
3 building of the capitol complex as defined in this section, and
4 for no other purpose. The remaining two and one-half percent of
5 the revenues deposited into the fund may be used for the purposes
6 of soliciting donations to the fund, advertising and promoting
7 the fund, and administrative costs of administering the fund.
8 Any amounts not used for those purposes shall be deposited back
9 into the rehabilitation and renovation account and the
10 maintenance account divided in the manner set forth in this
11 section. The board may, as an administrative cost, use the funds
12 to hire fund raising professionals and such other experts or
13 advisors as may be necessary to carry out the board's duties
14 under this section. The choice of projects for which the money
15 is to be used, as well as the determination of the methods of
16 carrying out the project and the procurement of goods and
17 services thereon shall be made by the commissioner of
18 administration. No moneys shall be released from the fund for
19 any expense without the approval of the commissioner of
20 administration, who may delegate that authority as deemed
21 appropriate. All contracts for rehabilitation, renovation, or
22 maintenance work shall be the responsibility of the commissioner
23 of administration. A memorandum of understanding may be executed
24 between the commissioner of administration and the board
25 determining the processes for obligation, reservation, and
26 payment of eligible costs from the fund. The commissioner of
27 administration shall not obligate costs in excess of the fund
28 balance. The board shall not be responsible for any costs

1 obligated in excess of available funds and shall be held harmless
2 in any contracts related to rehabilitation, renovation, and
3 maintenance of capitol complex buildings. No other board funds
4 shall be used to pay obligations made by the commissioner of
5 administration related to activities under this section.

6 4. For all taxable years beginning on or after January 1,
7 2020, any qualified donor shall be allowed a credit against the
8 taxes otherwise due under chapters 143 and 148, except for
9 sections 143.191 to 143.265, in an amount of fifty percent of the
10 eligible monetary donation. The amount of the tax credit claimed
11 may exceed the amount of the donor's state income tax liability
12 in the tax year for which the credit is claimed. Any amount of
13 credit that exceeds the qualified donor's state income tax
14 liability may be refundable or may be carried forward to any of
15 the taxpayer's four subsequent taxable years.

16 5. For all taxable years beginning on or after January 1,
17 2020, any qualified donor shall be allowed a credit against the
18 taxes otherwise due under chapters 143 and 148, except for
19 sections 143.191 to 143.265, in an amount of thirty percent of
20 the eligible artifact donation. The amount of the tax credit
21 claimed may not exceed the amount of the qualified donor's state
22 income tax liability in the tax year for which the credit is
23 claimed. Any amount of credit that exceeds the qualified donor's
24 state income tax liability shall not be refundable but may be
25 carried forward to any other taxpayer's four subsequent taxable
26 years.

27 6. To claim a credit for an eligible monetary donation as
28 set forth in subsection 4 of this section, a qualified donor

1 shall make an eligible monetary donation to the board as
2 custodian of the capitol complex fund or other eligible
3 recipient. Upon receipt of such donation, the board or other
4 eligible recipient shall issue to the qualified donor a statement
5 evidencing receipt of such donation, including the value of such
6 donation, with a copy to the department. Upon receipt of the
7 statement from the eligible recipient, the department shall issue
8 a tax credit certificate equal to fifty percent of the amount of
9 the donation, to the qualified donor, as indicated in the
10 statement from the eligible recipient.

11 7. To claim a credit for an eligible artifact donation as
12 set forth in subsection 5 of this section, a qualified donor
13 shall donate an eligible artifact to the board of public
14 buildings. If the board of public buildings determines that
15 artifact is an eligible artifact, and has determined to accept
16 the artifact, it shall issue a statement of donation to the
17 eligible donor specifying the value placed on the artifact by the
18 board of public buildings, with a copy to the department. Upon
19 receiving a statement from the board of public buildings, the
20 department shall issue a tax credit certificate equal to thirty
21 percent of the amount of the donation, to the qualified donor as
22 indicated in the statement from the board of public buildings.

23 8. The department shall not authorize more than ten million
24 dollars in tax credits provided under this section in any
25 calendar year. Donations shall be processed for tax credits on a
26 first come, first serve basis. Donations received in excess of
27 the tax credit cap shall be placed in line for tax credits issued
28 the following year or shall be given the opportunity to complete

1 their donation without the expectation of a tax credit, or shall
2 request to have their donation returned.

3 9. Tax credits issued under the provisions of this section
4 shall not be subject to the payment of any fee required under the
5 provisions of section 620.1900.

6 10. Tax credits issued under this section may be assigned,
7 transferred, sold, or otherwise conveyed, and the new owner of
8 the tax credit shall have the same rights in the credit as the
9 taxpayer. Whenever a certificate is assigned, transferred, sold,
10 or otherwise conveyed, a notarized endorsement shall be filed
11 with the department specifying the name and address of the new
12 owner of the tax credit and the value of the credit.

13 11. The department may promulgate rules to implement the
14 provisions of this section. Any rule or portion of a rule, as
15 that term is defined in section 536.010, that is created under
16 the authority delegated in this section shall become effective
17 only if it complies with and is subject to all of the provisions
18 of chapter 536 and, if applicable, section 536.028. This section
19 and chapter 536 are nonseverable and if any of the powers vested
20 with the general assembly pursuant to chapter 536 to review, to
21 delay the effective date, or to disapprove and annul a rule are
22 subsequently held unconstitutional, then the grant of rulemaking
23 authority and any rule proposed or adopted after August 28, 2020,
24 shall be invalid and void.

25 12. Pursuant to section 23.253 of the Missouri sunset act:

26 (1) The provisions of the new program authorized under this
27 section shall sunset automatically six years after August 28,
28 2020, unless reauthorized by an act of the general assembly; and

1 (2) If such program is reauthorized, the program authorized
2 under this section shall sunset automatically twelve years after
3 August 28, 2020; and

4 (3) This section shall terminate on September first of the
5 calendar year immediately following the calendar year in which
6 the program authorized under this section is sunset.