

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 704

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Offered April 30, 2020.

Senate Substitute No. 2 adopted April 30, 2020.

Taken up for Perfection April 30, 2020. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

3553S.05P

AN ACT

To repeal sections 67.730, 67.1360, 94.838, 94.900, 94.902, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.991, 144.757, 205.202, 321.552, 326.289, 347.179, 347.183, 358.460, 358.470, 620.2005, and 620.2010, RSMo, and to enact in lieu thereof forty-one new sections relating to taxation, with penalty provisions.

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

Section A. Sections 67.730, 67.1360, 94.838, 94.900, 94.902, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.991, 144.757, 205.202, 321.552, 326.289, 347.179, 347.183, 358.460, 358.470, 620.2005, and 620.2010, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 67.730, 67.1011, 67.1360, 67.1790, 94.838, 94.842, 94.844, 94.900, 94.902, 94.1014, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.425, 143.991, 144.757, 205.202, 321.552, 326.289, 347.044, 347.179, 347.183, 358.460, 358.470, 620.2005, 620.2010, and 620.3210, to read as follows:

67.730. 1. Any county of the first [class] **classification or any county** having a charter form of government, and containing [the major] **a** portion of a city with a population of over three hundred fifty thousand may, upon the vote

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

4 of a majority of the qualified voters of the county voting thereon, issue and sell
5 its negotiable interest-bearing revenue bonds for the purpose of paying all or part
6 of the cost of any capital improvements project or projects designated by the
7 governing body of the county. The bonds shall be retired from the proceeds of a
8 countywide sales tax on all retail sales made in such county which are subject to
9 taxation under the provisions of sections 144.010 to 144.525. The sales tax to
10 retire the revenue bonds shall be approved as a part of the proposal to issue the
11 bonds submitted to the qualified voters of the county and may be imposed in
12 addition to or in lieu of all and any other sales tax authorized by law to be
13 imposed by the county.

14 2. The proposal to issue negotiable interest-bearing revenue bonds for the
15 purpose of capital improvement projects and the imposition of a sales tax to pay
16 the principal and interest on such bonds may be submitted by the governing body
17 of the county to the voters of the county at a county or state general, primary, or
18 special election. The ballot of submission shall contain, but need not be limited
19 to, the following language:

20 Shall the county of _____ issue its negotiable interest-bearing
21 revenue bonds in the total face amount of \$_____ payable in
22 _____ years for the purpose of funding capital improvement
23 projects in the county and impose a countywide sales tax at the
24 rate of _____ to pay the principal and interest on such bonds?

25 YES NO

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

29 3. If a majority of the votes cast on the proposal by the qualified voters
30 voting thereon are in favor of the proposal, then the bonds may be issued by the
31 county from time to time and in such amounts as may be necessary to carry out
32 the county's program of capital improvements, but not to exceed the total amount
33 of bonds authorized by the vote of the qualified voters. If a majority of the votes
34 cast by the qualified voters voting thereon are opposed to the proposal, then the
35 county shall have no power to issue the revenue bonds or impose the sales tax
36 authorized by sections 67.730 to 67.739 unless and until the governing body of the
37 county shall again have submitted the proposal and such proposal is approved by
38 a majority of the qualified voters voting thereon.

39 4. **The governing body of any county authorized to levy a sales**

40 tax pursuant to this section, but which was not authorized to levy such
41 sales tax prior to August 28, 2020, shall:

42 (1) Submit the question of the imposition of the sales tax to the
43 voters on a general election day not earlier than the 2022 general
44 election; and

45 (2) Include information on the county website on the tax rate
46 and the purposes for which the tax is levied.

67.1011. 1. The governing body of any city of the third
2 classification with more than four thousand but fewer than four
3 thousand five hundred inhabitants and located in any county of the
4 third classification with a township form of government and with more
5 than sixteen thousand but fewer than eighteen thousand inhabitants
6 may impose a tax as provided in this section.

7 2. The governing body of any city described under subsection 1
8 of this section may impose a tax on the charges for all sleeping rooms
9 paid by the transient guests of hotels or motels situated in the city,
10 which shall be no more than six percent per occupied room per
11 night. The tax shall not become effective unless the governing body of
12 the city submits to the voters of the city on a general election day not
13 earlier than the 2022 general election a question to authorize the
14 governing body of the city to impose the tax. The tax shall be in
15 addition to the charge for the sleeping room and shall be in addition to
16 any and all other taxes. The tax shall be stated separately from all
17 other charges and taxes.

18 3. The question for the tax shall be in substantially the following
19 form:

20 Shall _____ (city name) impose a tax on the charges for
21 all sleeping rooms paid by the transient guests of hotels
22 and motels situated in _____ (city name) at a rate of
23 ____ percent?

24 YES NO

25 If a majority of the votes cast on the question by the qualified voters
26 voting thereon are in favor of the question, the tax shall become
27 effective on the first day of the second calendar quarter following the
28 calendar quarter in which the election was held. If a majority of the
29 votes cast on the question by the qualified voters voting thereon are

30 **opposed to the question, the tax shall not become effective unless and**
31 **until the question is resubmitted under this section to the qualified**
32 **voters and such question is approved by a majority of the qualified**
33 **voters voting thereon.**

34 **4. The governing body of any city authorized to levy a sales tax**
35 **pursuant to this section shall include information on the city's website**
36 **on the tax rate and the purposes for which the tax is levied.**

37 **5. As used in this section, "transient guests" means a person or**
38 **persons who occupy a room or rooms in a hotel or motel for thirty-one**
39 **days or less during any calendar quarter.**

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

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

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

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

12 (4) Any fourth class city having, according to the last federal decennial
13 census, a population of more than one thousand eight hundred fifty inhabitants
14 but less than one thousand nine hundred fifty inhabitants in a county of the first
15 classification with a charter form of government and having a population of
16 greater than six hundred thousand but less than nine hundred thousand
17 inhabitants;

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

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

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

27 than twenty-seven thousand inhabitants;

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

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

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

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

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

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

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

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

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

61 (17) Any fourth class city with a population of more than four thousand
62 three hundred but less than four thousand five hundred inhabitants located in

63 a county of the third classification without a township form of government with
64 a population greater than sixteen thousand but less than sixteen thousand two
65 hundred inhabitants;

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

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

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

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

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

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

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

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

99 hundred inhabitants;

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

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

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

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

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

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

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

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

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

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

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

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

150 **(38) Any city of the third classification with more than nine**
151 **thousand but fewer than ten thousand inhabitants and located in more**
152 **than one county.**

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

168 **3. The governing body of any city or county authorized to levy**
169 **a sales tax pursuant to this section, but which was not authorized to**
170 **levy such sales tax prior to August 28, 2020, shall:**

171 (1) Submit the question of the imposition of the sales tax to the
172 voters on a general election day not earlier than the 2022 general
173 election; and

174 (2) Include information on the city or county website on the tax
175 rate and the purposes for which the tax is levied.

67.1790. 1. The governing body of any county of the first
2 classification with more than two hundred sixty thousand but fewer
3 than three hundred thousand inhabitants, or any city within such
4 county, may impose by order or ordinance a sales tax on all retail sales
5 made within the county or city that are subject to sales tax under
6 chapter 144 for the purpose of funding early childhood education
7 programs in the county or city. The tax shall not exceed one-quarter
8 of one percent and shall be imposed solely for the purpose of funding
9 early childhood education programs in the county or city. The tax
10 authorized in this section shall be in addition to all other sales taxes
11 imposed by law and shall be stated separately from all other charges
12 and taxes. The order or ordinance imposing a sales tax under this
13 section shall not become effective unless the governing body of the
14 county or city submits to the voters residing within the county or city,
15 on a general election day not earlier than the 2022 general election, a
16 proposal to authorize the governing body of the county or city to
17 impose a tax under this section.

18 2. The question of whether the tax authorized by this section
19 shall be imposed shall be submitted in substantially the following form:

20 Shall _____ (name of county/city) impose a
21 (countywide/citywide) sales tax at a rate of ____ (insert
22 percentage) percent for the purpose of funding early
23 childhood education in the (county/city)?

24 YES NO

25 If a majority of the votes cast on the question by the qualified voters
26 voting thereon are in favor of the question, the order or ordinance shall
27 become effective on the first day of the second calendar quarter after
28 the director of revenue receives notice of adoption of the tax. If a
29 majority of the votes cast on the question by the qualified voters voting
30 thereon are opposed to the question, the county or city shall not impose
31 the sales tax authorized under this section unless and until the

32 question is resubmitted under this section to the qualified voters and
33 such question is approved by a majority of the qualified voters voting
34 on the question.

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

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

69 deemed to be consummated at the place of business of the retailer.

70 5. All applicable provisions in sections 144.010 to 144.527
71 governing the state sales tax and section 32.057, the uniform
72 confidentiality provision, shall apply to the collection of the tax, and
73 all exemptions granted to agencies of government, organizations, and
74 persons under sections 144.010 to 144.527 are hereby made applicable
75 to the imposition and collection of the tax. The same sales tax permit,
76 exemption certificate, and retail certificate required by sections 144.010
77 to 144.527 for the administration and collection of the state sales tax
78 shall satisfy the requirements of this section, and no additional permit,
79 exemption certificate, or retail certificate shall be required, except that
80 the director of revenue may prescribe a form of exemption certificate
81 for an exemption from the tax. All discounts allowed the retailer under
82 the state sales tax for the collection of and for payment of taxes are
83 hereby allowed and made applicable to the tax. The penalties for
84 violations provided in section 32.057 and sections 144.010 to 144.527 are
85 hereby made applicable to violations of this section. If any person is
86 delinquent in the payment of the amount required to be paid under this
87 section, or in the event a determination has been made against the
88 person for taxes and penalties under this section, the limitation for
89 bringing suit for the collection of the delinquent tax and penalties shall
90 be the same as that provided in sections 144.010 to 144.527.

91 6. The governing body of any county or city that has adopted the
92 sales tax authorized in this section may submit the question of repeal
93 of the tax to the voters at a general election. The ballot of submission
94 shall be in substantially the following form:

95 Shall _____ (name of county/city) repeal the sales tax
96 imposed at a rate of ____ (insert percentage) percent for
97 the purpose of funding early childhood education in the
98 (county/city)?

99 YES NO

100 If a majority of the votes cast on the question by the qualified voters
101 voting thereon are in favor of repeal, that repeal shall become effective
102 on December thirty-first of the calendar year in which such repeal was
103 approved. If a majority of the votes cast on the question by the
104 qualified voters voting thereon are opposed to the repeal, the sales tax

105 authorized in this section shall remain effective until the question is
106 resubmitted under this section to the qualified voters and is approved
107 by a majority of the qualified voters voting thereon.

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

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

136 9. The governing body of each county or city imposing the tax
137 authorized under this section shall select an existing community task
138 force to administer the revenue from the tax received by the county or
139 city. Such revenue shall be expended only upon approval of an existing
140 community task force selected by the governing body of the county or
141 city to administer the funds and only in accordance with a budget

142 **approved by the county or city governing body.**

143 **10. The governing body of any city or county authorized to levy**
144 **a sales tax pursuant to this section shall include information on the**
145 **city's or county's website on the tax rate and the purposes for which**
146 **the tax is levied.**

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

2 (1) "Food", all articles commonly used for food or drink, including alcoholic
3 beverages, the provisions of chapter 311 notwithstanding;

4 (2) "Food establishment", any café, cafeteria, lunchroom, or restaurant
5 which sells food at retail;

6 (3) "Municipality", any village or fourth class city with more than two
7 hundred but less than three hundred inhabitants and located in any county of the
8 third classification with a township form of government and with more than
9 twelve thousand five hundred but less than twelve thousand six hundred
10 inhabitants;

11 (4) "Transient guest", a person or persons who occupy a room or rooms in
12 a hotel or motel for thirty-one days or less during any calendar quarter.

13 2. The governing body of any municipality may impose, by order or
14 ordinance:

15 (1) A tax, not to exceed six percent per room per night, on the charges for
16 all sleeping rooms paid by the transient guests of hotels or motels situated in the
17 municipality or a portion thereof; and

18 (2) A tax, not to exceed [two] **six** percent, on the gross receipts derived
19 from the retail sales of food by every person operating a food establishment in the
20 municipality.

21 The taxes shall be imposed solely for [the purpose of funding the construction,
22 maintenance, and operation of capital improvements] **general revenue**
23 **purposes**. The order or ordinance shall not become effective unless the
24 governing body of the municipality submits to the voters of the municipality at
25 a state general or primary election a proposal to authorize the governing body of
26 the municipality to impose taxes under this section. The taxes authorized in this
27 section shall be in addition to the charge for the sleeping room, the retail sales
28 of food at a food establishment, and all other taxes imposed by law, and shall be
29 stated separately from all other charges and taxes.

30 3. The ballot of submission for the taxes authorized in this section shall
31 be in substantially the following form:

32 Shall _____ (insert the name of the municipality) impose a tax on
33 the charges for all retail sales of food at a food establishment
34 situated in _____ (name of municipality) at a rate of _____ (insert
35 rate of percent) percent, and for all sleeping rooms paid by the
36 transient guests of hotels and motels situated in _____ (name of
37 municipality) at a rate of _____ (insert rate of percent) percent,
38 solely for the purpose of [funding the construction, maintenance,
39 and operation of capital improvements] **increasing general**
40 **revenue funds?**

41 YES NO

42 If a majority of the votes cast on the question by the qualified voters voting
43 thereon are in favor of the question, then the taxes shall become effective on the
44 first day of the second calendar quarter after the director of revenue receives
45 notice of the adoption of the taxes. If a majority of the votes cast on the question
46 by the qualified voters voting thereon are opposed to the question, then the taxes
47 shall not become effective unless and until the question is resubmitted under this
48 section to the qualified voters and such question is approved by a majority of the
49 qualified voters voting on the question.

50 4. Any tax on the retail sales of food imposed under this section shall be
51 administered, collected, enforced, and operated as required in section 32.087, and
52 any transient guest tax imposed under this section shall be administered,
53 collected, enforced, and operated by the municipality imposing the tax. All
54 revenue generated by the tax shall be deposited in a special trust fund and shall
55 be used solely for the designated purposes. If the tax is repealed, all funds
56 remaining in the special trust fund shall continue to be used solely for the
57 designated purposes. Any funds in the special trust fund which are not needed
58 for current expenditures may be invested in the same manner as other funds are
59 invested. Any interest and moneys earned on such investments shall be credited
60 to the fund.

61 5. Once the initial bonds, if any, have been satisfied, then the governing
62 body of any municipality that has adopted the taxes authorized in this section
63 may submit the question of repeal of the taxes to the voters on any date available
64 for elections for the municipality. The ballot of submission shall be in
65 substantially the following form:

66 Shall _____ (insert the name of the municipality) repeal the taxes
67 imposed at the rates of _____ (insert rate of percent) and _____

68 (insert rate of percent) percent for the purpose of [funding the
69 construction, maintenance, and operation of capital improvements]
70 **increasing general revenue funds?**

71 YES NO

72 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
73 shall become effective on December thirty-first of the calendar year in which such
74 repeal was approved. If a majority of the votes cast on the question by the
75 qualified voters voting thereon are opposed to the repeal, then the tax authorized
76 in this section shall remain effective until the question is resubmitted under this
77 section to the qualified voters, and the repeal is approved by a majority of the
78 qualified voters voting on the question.

79 6. Once the initial bonds, if any, have been satisfied, then, whenever the
80 governing body of any municipality that has adopted the taxes authorized in this
81 section receives a petition, signed by ten percent of the registered voters of the
82 municipality voting in the last gubernatorial election, calling for an election to
83 repeal the taxes imposed under this section, the governing body shall submit to
84 the voters of the municipality a proposal to repeal the taxes. If a majority of the
85 votes cast on the question by the qualified voters voting thereon are in favor of
86 the repeal, that repeal shall become effective on December thirty-first of the
87 calendar year in which such repeal was approved. If a majority of the votes cast
88 on the question by the qualified voters voting thereon are opposed to the repeal,
89 then the tax shall remain effective until the question is resubmitted under this
90 section to the qualified voters and the repeal is approved by a majority of the
91 qualified voters voting on the question.

92 **7. The governing body of any municipality authorized to levy a**
93 **sales tax pursuant to this section shall:**

94 **(1) Submit the question of an increase in the rate of the sales tax**
95 **to the voters on a general election day not earlier than the 2022 general**
96 **election; and**

97 **(2) Include information on the municipality's website on the tax**
98 **rate and the purposes for which the tax is levied.**

94.842. 1. **The governing body of any home rule city with more**
2 **than one hundred fifty-five thousand but fewer than two hundred**
3 **thousand inhabitants may impose a tax on the charges for all sleeping**
4 **rooms paid by the transient guests of hotels or motels situated in the**
5 **city, which shall not be more than seven and one-half percent per**

6 occupied room per night, except that such tax shall not become
7 effective unless the governing body of the city submits to the voters of
8 the city on a general election day not earlier than the 2022 general
9 election, a proposal to authorize the governing body of the city to
10 impose a tax under the provisions of this section. The tax authorized
11 by this section shall be in addition to the charge for the sleeping room
12 and shall be in addition to any and all taxes imposed by law, and the
13 proceeds of such tax shall be used solely for capital investments that
14 can be demonstrated to increase the number of overnight
15 visitors. Such tax shall be stated separately from all other charges and
16 taxes.

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

19 Shall the _____ (city) levy a tax of _____ percent on each
20 sleeping room occupied and rented by transient guests of
21 hotels and motels located in the city, where the proceeds
22 of which shall be expended for capital investments to
23 increase tourism?

24 YES NO

25 If a majority of the votes cast on the question by the qualified voters
26 voting thereon are in favor of the question, then the tax shall become
27 effective on the first day of the calendar quarter following the calendar
28 quarter in which the election was held. If a majority of the votes cast
29 on the question by the qualified voters voting thereon are opposed to
30 the question, then the governing body for the city shall have no power
31 to impose the tax authorized by this section unless and until the
32 governing body of the city again submits the question to the qualified
33 voters of the city and such question is approved by a majority of the
34 qualified voters voting on the question.

35 3. On and after the effective date of any tax authorized under the
36 provisions of this section, the city which levied the tax may adopt one
37 of the two following provisions for the collection and administration of
38 the tax:

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

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

55 **4. The governing body of any city authorized to levy a sales tax**
56 **pursuant to this section shall include information on the city's website**
57 **on the tax rate and the purposes for which the tax is levied.**

58 **5. As used in this section, "transient guests" means a person or**
59 **persons who occupy a room or rooms in a hotel, motel, or tourist court**
60 **consecutively for thirty-one days or less.**

94.844. 1. The governing body of any home rule city with more
2 **than forty-seven thousand but fewer than fifty-two thousand**
3 **inhabitants and partially located in any county of the first**
4 **classification with more than one hundred fifteen thousand but fewer**
5 **than one hundred fifty thousand inhabitants may impose a tax on the**
6 **charges for all sleeping rooms paid by the transient guests of hotels or**
7 **motels situated in the city, which shall not be more than seven percent**
8 **per occupied room per night, except that such tax shall not become**
9 **effective unless the governing body of the city submits to the voters of**
10 **the city on a general election day not earlier than the 2022 general**
11 **election, a proposal to authorize the governing body of the city to**
12 **impose a tax under the provisions of this section. The tax authorized**
13 **by this section shall be in addition to the charge for the sleeping room**
14 **and shall be in addition to any and all taxes imposed by law, and the**
15 **proceeds of such tax shall be used solely for the construction,**
16 **maintenance, and operation of convention and tourism facilities. Such**
17 **tax shall be stated separately from all other charges and taxes.**

18 **2. The question shall be submitted in substantially the following**

19 form:

20 Shall the _____ (city) levy a tax of _____ percent on each
21 sleeping room occupied and rented by transient guests of
22 hotels and motels located in the city, where the proceeds
23 of which shall be expended for the construction,
24 maintenance, and operation of convention and tourism
25 facilities?

26 YES NO

27 If a majority of the votes cast on the question by the qualified voters
28 voting thereon are in favor of the question, then the tax shall become
29 effective on the first day of the calendar quarter following the calendar
30 quarter in which the election was held. If a majority of the votes cast
31 on the question by the qualified voters voting thereon are opposed to
32 the question, then the governing body for the city shall have no power
33 to impose the tax authorized by this section unless and until the
34 governing body of the city again submits the question to the qualified
35 voters of the city and such question is approved by a majority of the
36 qualified voters voting on the question.

37 3. On and after the effective date of any tax authorized under the
38 provisions of this section, the city which levied the tax may adopt one
39 of the two following provisions for the collection and administration of
40 the tax:

41 (1) The city which levied the tax may adopt rules and regulations
42 for the internal collection of such tax by the city officers usually
43 responsible for collection and administration of city taxes; or

44 (2) The city may enter into an agreement with the director of
45 revenue of the state of Missouri for the purpose of collecting the tax
46 authorized in this section. In the event any city enters into an
47 agreement with the director of revenue of the state of Missouri for the
48 collection of the tax authorized in this section, the director of revenue
49 shall perform all functions incident to the administration, collection,
50 enforcement, and operation of such tax, and the director of revenue
51 shall collect the additional tax authorized under the provisions of this
52 section. The tax authorized under the provisions of this section shall
53 be collected and reported upon such forms and under such
54 administrative rules and regulations as may be prescribed by the

55 **director of revenue, and the director of revenue shall retain not more**
56 **than one percent for cost of collection.**

57 **4. The governing body of any city authorized to levy a sales tax**
58 **pursuant to this section shall include information on the city's website**
59 **on the tax rate and the purposes for which the tax is levied.**

60 **5. As used in this section, "transient guests" means a person or**
61 **persons who occupy a room or rooms in a hotel, motel, or tourist court**
62 **consecutively for thirty-one days or less.**

94.900. 1. (1) The governing body of the following cities may impose a
2 tax as provided in this section:

3 (a) Any city of the third classification with more than ten thousand eight
4 hundred but less than ten thousand nine hundred inhabitants located at least
5 partly within a county of the first classification with more than one hundred
6 eighty-four thousand but less than one hundred eighty-eight thousand
7 inhabitants;

8 (b) Any city of the fourth classification with more than four thousand five
9 hundred but fewer than five thousand inhabitants;

10 (c) Any city of the fourth classification with more than eight thousand
11 nine hundred but fewer than nine thousand inhabitants;

12 (d) Any home rule city with more than forty-eight thousand but fewer
13 than forty-nine thousand inhabitants;

14 (e) Any home rule city with more than seventy-three thousand but fewer
15 than seventy-five thousand inhabitants;

16 (f) Any city of the fourth classification with more than thirteen thousand
17 five hundred but fewer than sixteen thousand inhabitants;

18 (g) Any city of the fourth classification with more than seven thousand but
19 fewer than eight thousand inhabitants;

20 (h) Any city of the fourth classification with more than four thousand but
21 fewer than four thousand five hundred inhabitants and located in any county of
22 the first classification with more than one hundred fifty thousand but fewer than
23 two hundred thousand inhabitants;

24 (i) Any city of the third classification with more than thirteen thousand
25 but fewer than fifteen thousand inhabitants and located in any county of the
26 third classification without a township form of government and with more than
27 thirty-three thousand but fewer than thirty-seven thousand inhabitants; [or]

28 (j) Any city of the fourth classification with more than three thousand but

29 fewer than three thousand three hundred inhabitants and located in any county
30 of the third classification without a township form of government and with more
31 than eighteen thousand but fewer than twenty thousand inhabitants and that is
32 not the county seat of such county;

33 **(k) Any city of the fourth classification with more than one**
34 **thousand three hundred fifty but fewer than one thousand five hundred**
35 **inhabitants and located in any county of the first classification with**
36 **more than one hundred fifty thousand but fewer than two hundred**
37 **thousand inhabitants;**

38 **(l) Any city of the fourth classification with more than eight**
39 **thousand but fewer than twelve thousand inhabitants and located in**
40 **any county of the first classification with more than two hundred**
41 **thousand but fewer than two hundred sixty thousand inhabitants; or**

42 **(m) Any city of the fourth classification with more than four**
43 **hundred fifty but fewer than five hundred inhabitants and located in**
44 **any county of the third classification without a township form of**
45 **government and with more than twenty-nine thousand but fewer than**
46 **thirty-three thousand inhabitants and with a city of the fourth**
47 **classification with more than four hundred but fewer than four**
48 **hundred fifty inhabitants as the county seat.**

49 (2) The governing body of any city listed in subdivision (1) of this
50 subsection is hereby authorized to impose, by ordinance or order, a sales tax in
51 the amount of up to one-half of one percent on all retail sales made in such city
52 which are subject to taxation under the provisions of sections 144.010 to 144.525
53 for the purpose of improving the public safety for such city[,] including, but not
54 limited to, expenditures on equipment, city employee salaries and benefits, and
55 facilities for police, fire and emergency medical providers. The tax authorized by
56 this section shall be in addition to any and all other sales taxes allowed by law,
57 except that no ordinance or order imposing a sales tax pursuant to the provisions
58 of this section shall be effective unless the governing body of the city submits to
59 the voters of the city, at a county or state general, primary, or special election,
60 a proposal to authorize the governing body of the city to impose a tax.

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

64 Shall the city of _____ (city's name) impose a citywide sales tax of

65 _____ (insert amount) for the purpose of improving the public
66 safety of the city?

67 YES NO

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

71 If a majority of the votes cast on the proposal by the qualified voters voting
72 thereon are in favor of the proposal submitted pursuant to this subsection, then
73 the ordinance or order and any amendments thereto shall be in effect on the first
74 day of the second calendar quarter after the director of revenue receives
75 notification of adoption of the local sales tax. If a proposal receives less than the
76 required majority, then the governing body of the city shall have no power to
77 impose the sales tax herein authorized unless and until the governing body of the
78 city shall again have submitted another proposal to authorize the governing body
79 of the city to impose the sales tax authorized by this section and such proposal
80 is approved by the required majority of the qualified voters voting
81 thereon. However, in no event shall a proposal pursuant to this section be
82 submitted to the voters sooner than twelve months from the date of the last
83 proposal pursuant to this section.

84 3. All revenue received by a city from the tax authorized under the
85 provisions of this section shall be deposited in a special trust fund and shall be
86 used solely for improving the public safety for such city for so long as the tax
87 shall remain in effect.

88 4. Once the tax authorized by this section is abolished or is terminated by
89 any means, all funds remaining in the special trust fund shall be used solely for
90 improving the public safety for the city. Any funds in such special trust fund
91 which are not needed for current expenditures may be invested by the governing
92 body in accordance with applicable laws relating to the investment of other city
93 funds.

94 5. All sales taxes collected by the director of [the department of] revenue
95 under this section on behalf of any city, less one percent for cost of collection
96 which shall be deposited in the state's general revenue fund after payment of
97 premiums for surety bonds as provided in section 32.087, shall be deposited in a
98 special trust fund, which is hereby created, to be known as the "City Public Safety
99 Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be
100 state funds and shall not be commingled with any funds of the state. The

101 provisions of section 33.080 to the contrary notwithstanding, money in this fund
102 shall not be transferred and placed to the credit of the general revenue fund. The
103 director of [the department of] revenue shall keep accurate records of the amount
104 of money in the trust and which was collected in each city imposing a sales tax
105 pursuant to this section, and the records shall be open to the inspection of officers
106 of the city and the public. Not later than the tenth day of each month the
107 director of [the department of] revenue shall distribute all moneys deposited in
108 the trust fund during the preceding month to the city which levied the tax; such
109 funds shall be deposited with the city treasurer of each such city, and all
110 expenditures of funds arising from the trust fund shall be by an appropriation act
111 to be enacted by the governing body of each such city. Expenditures may be made
112 from the fund for any functions authorized in the ordinance or order adopted by
113 the governing body submitting the tax to the voters.

114 6. The director of [the department of] revenue may make refunds from the
115 amounts in the trust fund and credited to any city for erroneous payments and
116 overpayments made, and may redeem dishonored checks and drafts deposited to
117 the credit of such cities. If any city abolishes the tax, the city shall notify the
118 director of [the department of] revenue of the action at least ninety days prior to
119 the effective date of the repeal and the director of [the department of] revenue
120 may order retention in the trust fund, for a period of one year, of two percent of
121 the amount collected after receipt of such notice to cover possible refunds or
122 overpayment of the tax and to redeem dishonored checks and drafts deposited to
123 the credit of such accounts. After one year has elapsed after the effective date of
124 abolition of the tax in such city, the director of [the department of] revenue shall
125 remit the balance in the account to the city and close the account of that
126 city. The director of [the department of] revenue shall notify each city of each
127 instance of any amount refunded or any check redeemed from receipts due the
128 city.

129 7. Except as modified in this section, all provisions of sections 32.085 and
130 32.087 shall apply to the tax imposed pursuant to this section.

131 **8. The governing body of any city authorized to levy a sales tax**
132 **pursuant to this section, but which was not authorized to levy such**
133 **sales tax prior to August 28, 2020, shall:**

134 **(1) Submit the question of the imposition of the sales tax to the**
135 **voters on a general election day not earlier than the 2022 general**
136 **election; and**

137 **(2) Include information on the city's website on the tax rate and**
138 **the purposes for which the tax is levied.**

 94.902. 1. The governing bodies of the following cities **or villages** may
2 impose a tax as provided in this section:

3 (1) Any city of the third classification with more than twenty-six thousand
4 three hundred but less than twenty-six thousand seven hundred inhabitants;

5 (2) Any city of the fourth classification with more than thirty thousand
6 three hundred but fewer than thirty thousand seven hundred inhabitants;

7 (3) Any city of the fourth classification with more than twenty-four
8 thousand eight hundred but fewer than twenty-five thousand inhabitants;

9 (4) Any special charter city with more than twenty-nine thousand but
10 fewer than thirty-two thousand inhabitants;

11 (5) Any city of the third classification with more than four thousand but
12 fewer than four thousand five hundred inhabitants and located in any county of
13 the first classification with more than two hundred thousand but fewer than two
14 hundred sixty thousand inhabitants;

15 (6) Any city of the fourth classification with more than nine thousand five
16 hundred but fewer than ten thousand eight hundred inhabitants;

17 (7) Any city of the fourth classification with more than five hundred
18 eighty but fewer than six hundred fifty inhabitants;

19 (8) Any city of the fourth classification with more than two thousand
20 seven hundred but fewer than three thousand inhabitants and located in any
21 county of the first classification with more than eighty-three thousand but fewer
22 than ninety-two thousand inhabitants; [or]

23 (9) Any city of the fourth classification with more than two thousand four
24 hundred but fewer than two thousand seven hundred inhabitants and located in
25 any county of the third classification without a township form of government and
26 with more than ten thousand but fewer than twelve thousand inhabitants;

27 **(10) Any city of the third classification with more than nine**
28 **thousand but fewer than ten thousand inhabitants and located in any**
29 **county of the third classification with a township form of government**
30 **and with more than twenty thousand but fewer than twenty-three**
31 **thousand inhabitants;**

32 **(11) Any city of the fourth classification with more than one**
33 **thousand fifty but fewer than one thousand two hundred inhabitants**
34 **and located in any county of the third classification without a township**

35 **form of government and with more than eighteen thousand but fewer**
 36 **than twenty thousand inhabitants and with a city of the fourth**
 37 **classification with more than two thousand one hundred but fewer than**
 38 **two thousand four hundred inhabitants as the county seat; or**

39 **(12) Any village with more than one thousand three hundred fifty**
 40 **but fewer than one thousand five hundred inhabitants and located in**
 41 **any county of the first classification with more than two hundred**
 42 **thousand but fewer than two hundred sixty thousand inhabitants.**

43 2. The governing body of any city **or village** listed in subsection 1 of this
 44 section may impose, by order or ordinance, a sales tax on all retail sales made in
 45 the city **or village** which are subject to taxation under chapter 144. The tax
 46 authorized in this section may be imposed in an amount of up to one-half of one
 47 percent, [and] **except that a city listed under subdivision (10) or (11) of**
 48 **subsection 1 of this section may impose a tax of one-fourth, one-half,**
 49 **three-fourths, or one percent. The tax** shall be imposed solely for the
 50 purpose of improving the public safety for such city[,] **or village** including, but
 51 not limited to, expenditures on equipment, city **or village** employee salaries and
 52 benefits, and facilities for police, fire, and emergency medical providers. The tax
 53 authorized in this section shall be in addition to all other sales taxes imposed by
 54 law, and shall be stated separately from all other charges and taxes. The order
 55 or ordinance imposing a sales tax under this section shall not become effective
 56 unless the governing body of the city **or village** submits to the voters residing
 57 within the city **or village**, at a county or state general, primary, or special
 58 election, a proposal to authorize the governing body of the city **or village** to
 59 impose a tax under this section.

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

62 Shall the **(city/village)** of _____ ([city's] **insert** name) impose a
 63 **(citywide/villagewide)** sales tax at a rate of _____ (insert [rate
 64 of percent] **percentage**) percent for the purpose of improving the
 65 public safety of the **(city/village)**?

66 YES NO

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

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

71 thereon are in favor of the proposal, then the ordinance or order and any
72 amendments to the order or ordinance shall become effective on the first day of
73 the second calendar quarter after the director of revenue receives notice of the
74 adoption of the sales tax. If a majority of the votes cast on the proposal by the
75 qualified voters voting thereon are opposed to the proposal, then the tax shall not
76 become effective unless the proposal is resubmitted under this section to the
77 qualified voters and such proposal is approved by a majority of the qualified
78 voters voting on the proposal. However, in no event shall a proposal under this
79 section be submitted to the voters sooner than twelve months from the date of the
80 last proposal under this section.

81 4. Any sales tax imposed under this section shall be administered,
82 collected, enforced, and operated as required in section 32.087. All sales taxes
83 collected by the director of the department of revenue under this section on behalf
84 of any city **or village**, less one percent for cost of collection which shall be
85 deposited in the state's general revenue fund after payment of premiums for
86 surety bonds as provided in section 32.087, shall be deposited in a special trust
87 fund, which is hereby created in the state treasury, to be known as the "City
88 Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be
89 deemed to be state funds and shall not be commingled with any funds of the
90 state. The provisions of section 33.080 to the contrary notwithstanding, money
91 in this fund shall not be transferred and placed to the credit of the general
92 revenue fund. The director shall keep accurate records of the amount of money
93 in the trust fund and which was collected in each city **or village** imposing a sales
94 tax under this section, and the records shall be open to the inspection of officers
95 of the city **or village** and the public. Not later than the tenth day of each month
96 the director shall distribute all moneys deposited in the trust fund during the
97 preceding month to the city **or village** which levied the tax. Such funds shall be
98 deposited with the city **or village** treasurer of each such city **or village**, and all
99 expenditures of funds arising from the trust fund shall be by an appropriation act
100 to be enacted by the governing body of each such city **or village**. Expenditures
101 may be made from the fund for any functions authorized in the ordinance or order
102 adopted by the governing body submitting the tax to the voters. If the tax is
103 repealed, all funds remaining in the special trust fund shall continue to be used
104 solely for the designated purposes. Any funds in the special trust fund which are
105 not needed for current expenditures shall be invested in the same manner as
106 other funds are invested. Any interest and moneys earned on such investments

107 shall be credited to the fund.

108 5. The director of [the department of] revenue may authorize the state
109 treasurer to make refunds from the amounts in the trust fund and credited to any
110 city **or village** for erroneous payments and overpayments made, and may redeem
111 dishonored checks and drafts deposited to the credit of such cities **or villages**.
112 If any city **or village** abolishes the tax, the city **or village** shall notify the
113 director of the action at least ninety days before the effective date of the repeal,
114 and the director may order retention in the trust fund, for a period of one year,
115 of two percent of the amount collected after receipt of such notice to cover possible
116 refunds or overpayment of the tax and to redeem dishonored checks and drafts
117 deposited to the credit of such accounts. After one year has elapsed after the
118 effective date of abolition of the tax in such city **or village**, the director shall
119 remit the balance in the account to the city and close the account of that city **or**
120 **village**. The director shall notify each city **or village** of each instance of any
121 amount refunded or any check redeemed from receipts due the city **or village**.

122 6. The governing body of any city **or village** that has adopted the sales
123 tax authorized in this section may submit the question of repeal of the tax to the
124 voters on any date available for elections for the city **or village**. The ballot of
125 submission shall be in substantially the following form:

126 Shall **the city of** _____ [(insert the name of the city)] repeal the
127 sales tax imposed at a rate of _____ [(insert rate of percent)]
128 percent for the purpose of improving the public safety of the
129 **(city/village)**?

130 YES NO

131 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
132 shall become effective on December thirty-first of the calendar year in which such
133 repeal was approved. If a majority of the votes cast on the question by the
134 qualified voters voting thereon are opposed to the repeal, then the sales tax
135 authorized in this section shall remain effective until the question is resubmitted
136 under this section to the qualified voters, and the repeal is approved by a
137 majority of the qualified voters voting on the question.

138 7. Whenever the governing body of any city **or village** that has adopted
139 the sales tax authorized in this section receives a petition, signed by ten percent
140 of the registered voters of the city **or village** voting in the last gubernatorial
141 election, calling for an election to repeal the sales tax imposed under this section,
142 the governing body shall submit to the voters of the city **or village** a proposal to

143 repeal the tax. If a majority of the votes cast on the question by the qualified
144 voters voting thereon are in favor of the repeal, that repeal shall become effective
145 on December thirty-first of the calendar year in which such repeal was approved.
146 If a majority of the votes cast on the question by the qualified voters voting
147 thereon are opposed to the repeal, then the tax shall remain effective until the
148 question is resubmitted under this section to the qualified voters and the repeal
149 is approved by a majority of the qualified voters voting on the question.

150 8. Any sales tax imposed under this section by a city described under
151 subdivision (6) of subsection 1 of this section that is in effect as of December 31,
152 2038, shall automatically expire. No city described under subdivision (6) of
153 subsection 1 of this section shall collect a sales tax pursuant to this section on or
154 after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax
155 imposed under this section by a city described under subdivision (6) of subsection
156 1 of this section.

157 9. Except as modified in this section, all provisions of sections 32.085 and
158 32.087 shall apply to the tax imposed under this section.

159 **10. The governing body of any city or village authorized to levy**
160 **a sales tax pursuant to this section, but which was not authorized to**
161 **levy such sales tax prior to August 28, 2020, shall:**

162 **(1) Submit the question of the imposition of the sales tax to the**
163 **voters on a general election day not earlier than the 2022 general**
164 **election; and**

165 **(2) Include information on the city or village website on the tax**
166 **rate and the purposes for which the tax is levied.**

94.1014. 1. (1) **The governing body of any city of the fourth**
2 **classification with more than three thousand seven hundred but fewer**
3 **than four thousand inhabitants and located in any county of the first**
4 **classification with more than one hundred fifty thousand but fewer**
5 **than two hundred thousand inhabitants may impose a tax on the**
6 **charges for all sleeping rooms paid by the transient guests of hotels or**
7 **motels situated in the city or a portion thereof. The tax shall not be**
8 **more than five percent per occupied room per night.**

9 **(2) The tax shall not become effective unless the governing body**
10 **of the city, on a general election day not earlier than the 2022 general**
11 **election, submits to the voters of the city a proposal to authorize the**
12 **city to impose a tax under this section, and the voters approve the tax.**

13 **(3) The tax shall be in addition to the charge for the sleeping**
14 **room and all other taxes imposed by law. The tax shall be stated**
15 **separately from all other charges and taxes.**

16 **(4) The proceeds of the tax shall be used by the city for the**
17 **promotion of tourism; growth of the region; economic development**
18 **purposes; and public safety purposes including, but not limited to,**
19 **equipment expenditures, employee salaries and benefits, and facilities**
20 **for police, firefighters, or emergency medical providers.**

21 **2. The ballot for authorization of the tax shall be in substantially**
22 **the following form:**

23 **Shall _____ (name of the city) impose a tax on the charges**
24 **for all sleeping rooms paid by the transient guests of hotels**
25 **and motels situated in _____ (name of the city) at a rate of**
26 **_____ percent for the promotion of tourism, growth of the**
27 **region, economic development, and public safety?**

28 **YES** **NO**

29 **If a majority of the votes cast on the proposal by qualified voters**
30 **approve the proposal, the tax shall become effective on the first day of**
31 **the second calendar quarter following the election. If a majority of the**
32 **votes cast on the proposal by qualified voters opposed the proposal, the**
33 **tax shall not become effective unless and until the proposal is again**
34 **submitted to the voters of the city and is approved by a majority of the**
35 **qualified voters voting thereon.**

36 **3. The governing body of any city authorized to levy a sales tax**
37 **pursuant to this section shall include information on the city's website**
38 **on the tax rate and the purposes for which the tax is levied.**

39 **4. As used in this section, "transient guest" means any person**
40 **who occupies a room or rooms in a hotel or motel for thirty-one days**
41 **or less during any calendar quarter.**

 99.805. As used in sections 99.800 to 99.865, unless the context clearly
2 requires otherwise, the following terms shall mean:

3 (1) "Blighted area", an area which, by reason of the predominance of
4 [defective or inadequate street layout,] insanitary or unsafe conditions,
5 [deterioration of site improvements, improper subdivision or obsolete platting,]
6 or the existence of conditions which endanger life or property by fire and other
7 causes, or any combination of such factors, retards the provision of housing

8 accommodations or constitutes an economic or social liability or a menace to the
9 public health, safety, [morals,] or welfare in its present condition and use, **and,**
10 **for redevelopment areas located in a city not within a county, which**
11 **has a median household income less than or equal to two hundred**
12 **percent of the federal poverty level, as determined by the most current**
13 **five-year figures published by the American Community Survey**
14 **conducted by the United States Census Bureau;**

15 (2) "Collecting officer", the officer of the municipality responsible for
16 receiving and processing payments in lieu of taxes or economic activity taxes from
17 taxpayers or the department of revenue;

18 (3) ["Conservation area", any improved area within the boundaries of a
19 redevelopment area located within the territorial limits of a municipality in which
20 fifty percent or more of the structures in the area have an age of thirty-five years
21 or more. Such an area is not yet a blighted area but is detrimental to the public
22 health, safety, morals, or welfare and may become a blighted area because of any
23 one or more of the following factors: dilapidation; obsolescence; deterioration;
24 illegal use of individual structures; presence of structures below minimum code
25 standards; abandonment; excessive vacancies; overcrowding of structures and
26 community facilities; lack of ventilation, light or sanitary facilities; inadequate
27 utilities; excessive land coverage; deleterious land use or layout; depreciation of
28 physical maintenance; and lack of community planning. A conservation area
29 shall meet at least three of the factors provided in this subdivision for projects
30 approved on or after December 23, 1997;

31 (4)] "Economic activity taxes", the total additional revenue from taxes
32 which are imposed by a municipality and other taxing districts, and which are
33 generated by economic activities within a redevelopment area over the amount
34 of such taxes generated by economic activities within such redevelopment area
35 in the calendar year prior to the adoption of the ordinance designating such a
36 redevelopment area, while tax increment financing remains in effect, but
37 excluding personal property taxes, taxes imposed on sales or charges for sleeping
38 rooms paid by transient guests of hotels and motels, licenses, fees or special
39 assessments. For redevelopment projects or redevelopment plans approved after
40 December 23, 1997, if a retail establishment relocates within one year from one
41 facility to another facility within the same county and the governing body of the
42 municipality finds that the relocation is a direct beneficiary of tax increment
43 financing, then for purposes of this definition, the economic activity taxes

44 generated by the retail establishment shall equal the total additional revenues
45 from economic activity taxes which are imposed by a municipality or other taxing
46 district over the amount of economic activity taxes generated by the retail
47 establishment in the calendar year prior to its relocation to the redevelopment
48 area;

49 [(5) "Economic development area", any area or portion of an area located
50 within the territorial limits of a municipality, which does not meet the
51 requirements of subdivisions (1) and (3) of this section, and in which the
52 governing body of the municipality finds that redevelopment will not be solely
53 used for development of commercial businesses which unfairly compete in the
54 local economy and is in the public interest because it will:

55 (a) Discourage commerce, industry or manufacturing from moving their
56 operations to another state; or

57 (b) Result in increased employment in the municipality; or

58 (c) Result in preservation or enhancement of the tax base of the
59 municipality;

60 (6) (4) "Gambling establishment", an excursion gambling boat as defined
61 in section 313.800 and any related business facility including any real property
62 improvements which are directly and solely related to such business facility,
63 whose sole purpose is to provide goods or services to an excursion gambling boat
64 and whose majority ownership interest is held by a person licensed to conduct
65 gambling games on an excursion gambling boat or licensed to operate an
66 excursion gambling boat as provided in sections 313.800 to 313.850. This
67 subdivision shall be applicable only to a redevelopment area designated by
68 ordinance adopted after December 23, 1997;

69 [(7) (5) "Greenfield area", any vacant, unimproved, or agricultural
70 property that is located wholly outside the incorporated limits of a city, town, or
71 village, or that is substantially surrounded by contiguous properties with
72 agricultural zoning classifications or uses unless said property was annexed into
73 the incorporated limits of a city, town, or village ten years prior to the adoption
74 of the ordinance approving the redevelopment plan for such greenfield area;

75 [(8) (6) "Municipality", a city, village, or incorporated town or any
76 county of this state. For redevelopment areas or projects approved on or after
77 December 23, 1997, municipality applies only to cities, villages, incorporated
78 towns or counties established for at least one year prior to such date;

79 [(9) (7) "Obligations", bonds, loans, debentures, notes, special

80 certificates, or other evidences of indebtedness issued by a municipality to carry
81 out a redevelopment project or to refund outstanding obligations;

82 [(10)] (8) "Ordinance", an ordinance enacted by the governing body of a
83 city, town, or village or a county or an order of the governing body of a county
84 whose governing body is not authorized to enact ordinances;

85 [(11)] (9) "Payment in lieu of taxes", those estimated revenues from real
86 property in the area selected for a redevelopment project, which revenues
87 according to the redevelopment project or plan are to be used for a private use,
88 which taxing districts would have received had a municipality not adopted tax
89 increment allocation financing, and which would result from levies made after the
90 time of the adoption of tax increment allocation financing during the time the
91 current equalized value of real property in the area selected for the
92 redevelopment project exceeds the total initial equalized value of real property
93 in such area until the designation is terminated pursuant to subsection 2 of
94 section 99.850;

95 [(12)] (10) "Redevelopment area", an area designated by a municipality,
96 in respect to which the municipality has made a finding that there exist
97 conditions which cause the area to be classified as a blighted area, [a
98 conservation area, an economic development area, an enterprise zone pursuant
99 to sections 135.200 to 135.256, or a combination thereof,] which area includes
100 only those parcels of real property directly and substantially benefitted by the
101 proposed redevelopment project;

102 [(13)] (11) "Redevelopment plan", the comprehensive program of a
103 municipality for redevelopment intended by the payment of redevelopment costs
104 to reduce or eliminate those conditions, the existence of which qualified the
105 redevelopment area as a blighted area, [conservation area, economic development
106 area, or combination thereof,] and to thereby enhance the tax bases of the taxing
107 districts which extend into the redevelopment area. Each redevelopment plan
108 shall conform to the requirements of section 99.810;

109 [(14)] (12) "Redevelopment project", any development project within a
110 redevelopment area in furtherance of the objectives of the redevelopment plan;
111 any such redevelopment project shall include a legal description of the area
112 selected for the redevelopment project;

113 [(15)] (13) "Redevelopment project costs" include the sum total of all
114 reasonable or necessary costs incurred or estimated to be incurred, and any such
115 costs incidental to a redevelopment plan or redevelopment project, as

116 applicable. Such costs include, but are not limited to, the following:

117 (a) Costs of studies, surveys, plans, and specifications;

118 (b) Professional service costs, including, but not limited to, architectural,
119 engineering, legal, marketing, financial, planning or special services. Except the
120 reasonable costs incurred by the commission established in section 99.820 for the
121 administration of sections 99.800 to 99.865, such costs shall be allowed only as
122 an initial expense which, to be recoverable, shall be included in the costs of a
123 redevelopment plan or project;

124 (c) Property assembly costs, including, but not limited to:

125 a. Acquisition of land and other property, real or personal, or rights or
126 interests therein;

127 b. Demolition of buildings; and

128 c. The clearing and grading of land;

129 (d) Costs of rehabilitation, reconstruction, or repair or remodeling of
130 existing buildings and fixtures;

131 (e) [Initial costs for an economic development area;

132 (f)] Costs of construction of public works or improvements;

133 [(g)] **(f)** Financing costs, including, but not limited to, all necessary and
134 incidental expenses related to the issuance of obligations, and which may include
135 payment of interest on any obligations issued pursuant to sections 99.800 to
136 99.865 accruing during the estimated period of construction of any redevelopment
137 project for which such obligations are issued and for not more than eighteen
138 months thereafter, and including reasonable reserves related thereto;

139 [(h)] **(g)** All or a portion of a taxing district's capital costs resulting from
140 the redevelopment project necessarily incurred or to be incurred in furtherance
141 of the objectives of the redevelopment plan and project, to the extent the
142 municipality by written agreement accepts and approves such costs;

143 [(i)] **(h)** Relocation costs to the extent that a municipality determines
144 that relocation costs shall be paid or are required to be paid by federal or state
145 law;

146 [(j)] **(i)** Payments in lieu of taxes;

147 [(16)] **(14)** "Special allocation fund", the fund of a municipality or its
148 commission which contains at least two separate segregated accounts for each
149 redevelopment plan, maintained by the treasurer of the municipality or the
150 treasurer of the commission into which payments in lieu of taxes are deposited
151 in one account, and economic activity taxes and other revenues are deposited in

152 the other account;

153 [(17)] (15) "Taxing districts", any political subdivision of this state
154 having the power to levy taxes;

155 [(18)] (16) "Taxing districts' capital costs", those costs of taxing districts
156 for capital improvements that are found by the municipal governing bodies to be
157 necessary and to directly result from the redevelopment project; and

158 [(19)] (17) "Vacant land", any parcel or combination of parcels of real
159 property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general
2 description of the program to be undertaken to accomplish the objectives and
3 shall include, but need not be limited to, the estimated redevelopment project
4 costs, the anticipated sources of funds to pay the costs, evidence of the
5 commitments to finance the project costs, the anticipated type and term of the
6 sources of funds to pay costs, the anticipated type and terms of the obligations to
7 be issued, the most recent equalized assessed valuation of the property within the
8 redevelopment area which is to be subjected to payments in lieu of taxes and
9 economic activity taxes pursuant to section 99.845, an estimate as to the
10 equalized assessed valuation after redevelopment, and the general land uses to
11 apply in the redevelopment area. No redevelopment plan shall be adopted by a
12 municipality without findings that:

13 (1) The redevelopment area on the whole is a blighted area[, a
14 conservation area, or an economic development area,] and has not been subject
15 to growth and development through investment by private enterprise and would
16 not reasonably be anticipated to be developed without the adoption of tax
17 increment financing. Such a finding shall include, but not be limited to, a **study**
18 **conducted by a third party which includes** a detailed description of the
19 factors that qualify the redevelopment area or project pursuant to this
20 subdivision and an affidavit, signed by the developer or developers and submitted
21 with the redevelopment plan, attesting that the provisions of this subdivision
22 have been met;

23 (2) The redevelopment plan conforms to the comprehensive plan for the
24 development of the municipality as a whole;

25 (3) The estimated dates, which shall not be more than twenty-three years
26 from the adoption of the ordinance approving a redevelopment project within a
27 redevelopment area, of completion of any redevelopment project and retirement
28 of obligations incurred to finance redevelopment project costs have been stated,

29 provided that no ordinance approving a redevelopment project shall be adopted
30 later than ten years from the adoption of the ordinance approving the
31 redevelopment plan under which such project is authorized and provided that no
32 property for a redevelopment project shall be acquired by eminent domain later
33 than five years from the adoption of the ordinance approving such redevelopment
34 project;

35 (4) A plan has been developed for relocation assistance for businesses and
36 residences;

37 (5) A cost-benefit analysis showing the economic impact of the plan on
38 each taxing district which is at least partially within the boundaries of the
39 redevelopment area. The analysis shall show the impact on the economy if the
40 project is not built, and is built pursuant to the redevelopment plan under
41 consideration. The cost-benefit analysis shall include a fiscal impact study on
42 every affected political subdivision, and sufficient information from the developer
43 for the commission established in section 99.820 to evaluate whether the project
44 as proposed is financially feasible;

45 (6) A finding that the plan does not include the initial development or
46 redevelopment of any gambling establishment, provided however, that this
47 subdivision shall be applicable only to a redevelopment plan adopted for a
48 redevelopment area designated by ordinance after December 23, 1997.

49 2. By the last day of February each year, each commission shall report to
50 the director of economic development the name, address, phone number and
51 primary line of business of any business which relocates to the district. The
52 director of the department of economic development shall compile and report the
53 same to the governor, the speaker of the house and the president pro tempore of
54 the senate on the last day of April each year.

99.825. 1. Prior to the adoption of an ordinance proposing the designation
2 of a redevelopment area, or approving a redevelopment plan or redevelopment
3 project, the commission shall fix a time and place for a public hearing as required
4 in subsection 4 of section 99.820 and notify each taxing district located wholly or
5 partially within the boundaries of the proposed redevelopment area, plan or
6 project. At the public hearing any interested person or affected taxing district
7 may file with the commission written objections to, or comments on, and may be
8 heard orally in respect to, any issues embodied in the notice. The commission
9 shall hear and consider all protests, objections, comments and other evidence
10 presented at the hearing. The hearing may be continued to another date without

11 further notice other than a motion to be entered upon the minutes fixing the time
12 and place of the subsequent hearing; provided, if the commission is created under
13 subsection 3 of section 99.820, the hearing shall not be continued for more than
14 thirty days beyond the date on which it is originally opened unless such longer
15 period is requested by the chief elected official of the municipality creating the
16 commission and approved by a majority of the commission. Prior to the
17 conclusion of the hearing, changes may be made in the redevelopment plan,
18 redevelopment project, or redevelopment area, provided that each affected taxing
19 district is given written notice of such changes at least seven days prior to the
20 conclusion of the hearing. After the public hearing but prior to the adoption of
21 an ordinance approving a redevelopment plan or redevelopment project, or
22 designating a redevelopment area, changes may be made to the redevelopment
23 plan, redevelopment projects or redevelopment areas without a further hearing,
24 if such changes do not enlarge the exterior boundaries of the redevelopment area
25 or areas, and do not substantially affect the general land uses established in the
26 redevelopment plan or substantially change the nature of the redevelopment
27 projects, provided that notice of such changes shall be given by mail to each
28 affected taxing district and by publication in a newspaper of general circulation
29 in the area of the proposed redevelopment not less than ten days prior to the
30 adoption of the changes by ordinance. After the adoption of an ordinance
31 approving a redevelopment plan or redevelopment project, or designating a
32 redevelopment area, no ordinance shall be adopted altering the exterior
33 boundaries, affecting the general land uses established pursuant to the
34 redevelopment plan or changing the nature of the redevelopment project without
35 complying with the procedures provided in this section pertaining to the initial
36 approval of a redevelopment plan or redevelopment project and designation of a
37 redevelopment area. Hearings with regard to a redevelopment project,
38 redevelopment area, or redevelopment plan may be held simultaneously.

39 2. If, after concluding the hearing required under this section, the
40 commission makes a recommendation under section 99.820 in opposition to a
41 proposed redevelopment plan, redevelopment project, or designation of a
42 redevelopment area, or any amendments thereto, a municipality desiring to
43 approve such project, plan, designation, or amendments shall do so only upon a
44 two-thirds majority vote of the governing body of such municipality. For plans,
45 projects, designations, or amendments approved by a municipality over the
46 recommendation in opposition by the commission formed under subsection 3 of

47 section 99.820, the economic activity taxes and payments in lieu of taxes
48 generated by such plan, project, designation, or amendment shall be restricted to
49 paying only those redevelopment project costs contained in subparagraphs b. and
50 c. of paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.

51 [3. Tax incremental financing projects within an economic development
52 area shall apply to and fund only the following infrastructure projects: highways,
53 roads, streets, bridges, sewers, traffic control systems and devices, water
54 distribution and supply systems, curbing, sidewalks and any other similar public
55 improvements, but in no case shall it include buildings.]

99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to the
2 contrary, no new tax increment financing project shall be authorized in any
3 greenfield area, as such term is defined in section 99.805[, that is located within
4 a city not within a county or any county subject to the authority of the East-West
5 Gateway Council of Governments. Municipalities not subject to the authority of
6 the East-West Gateway Council of Governments may authorize tax increment
7 finance projects in greenfield areas].

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

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

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

8 2. The governing body of each political subdivision in the state shall cause
9 to be prepared an annual report of the financial transactions of the political
10 subdivision in such summary form as the state auditor shall prescribe by rule,
11 except that the annual report of political subdivisions whose cash receipts for the
12 reporting period are ten thousand dollars or less shall only be required to contain
13 the cash balance at the beginning of the reporting period, a summary of cash
14 receipts, a summary of cash disbursements and the cash balance at the end of the
15 reporting period.

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

20 4. The state auditor shall immediately on receipt of each financial report

21 acknowledge the receipt of the report.

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

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

32 7. All reports or financial statements herein above mentioned shall be
33 considered to be public records.

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

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

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

45 (1) The name of the political subdivision;

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

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

52 (4) That the fine will begin accruing on the thirty-first day from the
53 postmarked date stamped on the certified mail envelope and will continue to
54 accrue until the state auditor's office receives a copy of the financial statement.
55 In the event a copy of the annual financial statement is received within such
56 thirty-day period, no fine shall accrue or be imposed. The state auditor shall

57 report receipt of the financial statement to the department of revenue within ten
58 business days. Failure of the political subdivision to submit the required annual
59 financial statement within such thirty-day period shall cause the fine to be
60 collected as provided under subsection 11 of this section.

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

68 12. Any [transportation development district organized under sections
69 238.200 to 238.275 having] **political subdivision that has** gross revenues of
70 less than five thousand dollars **or that has not levied or collected sales or**
71 **use taxes** in the fiscal year for which the annual financial statement was not
72 timely filed shall not be subject to the fine authorized in this section.

73 13. **If a failure to timely submit the annual financial statement**
74 **is the result of fraud or other illegal conduct by an employee or officer**
75 **of the political subdivision, the failure shall not be subject to a fine**
76 **authorized under this section if the statement is filed within thirty**
77 **days of the discovery of the fraud or illegal conduct. If a fine is**
78 **assessed and paid prior to the filing of the statement, the department**
79 **of revenue shall refund the fine upon notification from the political**
80 **subdivision.**

81 14. **If a political subdivision has an outstanding balance for fines**
82 **or penalties at the time it files its first annual financial statement after**
83 **January 1, 2021, the director of revenue shall make a one-time**
84 **downward adjustment to such outstanding balance in an amount that**
85 **reduces the outstanding balance by ninety percent.**

86 15. The director of revenue shall have the authority to make a
87 one-time downward adjustment to any outstanding penalty imposed
88 under this section on a political subdivision if the director determines
89 the fine is uncollectible. The director of revenue may prescribe rules
90 and regulations necessary to carry out the provisions of this
91 subsection. Any rule or portion of a rule, as that term is defined in
92 section 536.010, that is created under the authority delegated in this

93 section shall become effective only if it complies with and is subject to
94 all of the provisions of chapter 536 and, if applicable, section
95 536.028. This section and chapter 536 are nonseverable, and if any of
96 the powers vested with the general assembly pursuant to chapter 536
97 to review, to delay the effective date, or to disapprove and annul a rule
98 are subsequently held unconstitutional, then the grant of rulemaking
99 authority and any rule proposed or adopted after August 28, 2020, shall
100 be invalid and void.

101 16. If a political subdivision with an outstanding balance for
102 fines or penalties:

103 (1) Fails to file an annual financial statement after August 28,
104 2020, and before January 1, 2021; or

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

108 then the director of revenue shall initiate the process to disincorporate
109 the political subdivision as provided in this section.

110 17. If any resident of a political subdivision believes or knows
111 that the political subdivision has failed to file the annual financial
112 report required under subsection 2 of this section, the resident may file
113 an affidavit with the director of revenue that attests to the alleged
114 failure. The director of revenue shall evaluate the allegation and, if
115 true, notify the political subdivision and any municipality or county
116 encompassing the political subdivision by both certified mail and first-
117 class mail that the political subdivision has ninety days to comply with
118 subsection 2 of this section. If the political subdivision has not
119 complied after ninety days, the director of revenue shall initiate the
120 process to disincorporate the political subdivision as provided in this
121 section.

122 18. (1) The question of whether a political subdivision subject to
123 possible disincorporation under subsection 16 or 17 of this section shall
124 be disincorporated shall be submitted to the voters of the political
125 subdivision. The election upon the question shall be held on the next
126 general election day.

127 (2) No later than five o'clock p.m. on the tenth Tuesday prior to
128 the election, the director of revenue shall notify the election authorities
129 responsible for conducting the election according to the provisions of

130 section 115.125 and the county governing body in which the political
131 subdivision is located.

132 (3) The election authority shall give notice of the election for
133 eight consecutive weeks prior to the election by publication in a
134 newspaper of general circulation published in the political subdivision
135 or, if there is no such newspaper in the political subdivision, in the
136 newspaper in the county published nearest the political subdivision.

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

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

141 The (city/town/village) of _____ (has an outstanding
142 balance for fines or penalties and) has failed to file an
143 annual financial statement, as required by law. Shall the
144 (city/town/village) of _____ be disincorporated?

145 YES NO

146 Upon the affirmative vote of a majority of the qualified voters voting
147 on the question, the director of revenue shall file an action to
148 disincorporate the political subdivision in the circuit court with
149 jurisdiction over the political subdivision.

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

152 (1) The appointment of an administrative authority for the
153 political subdivision, which may be another political subdivision, the
154 state, a qualified private party, or other qualified entity;

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

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

161 (4) The disincorporation of the political subdivision and the
162 effective date of the disincorporation, taking into consideration a
163 reasonable transition period.

164 The administrative authority shall administer all revenues under the
165 name of the political subdivision or its agents and administer all funds

166 collected on behalf of the political subdivision. The administrative
167 authority shall use the revenues and existing funds to pay all debts and
168 obligations of the political subdivision other than the penalties accrued
169 under this section. The circuit court shall have ongoing jurisdiction to
170 enforce its orders and carry out the remedies under this subsection.

171 **20. The attorney general shall have the authority to file an action**
172 **in a court of competent jurisdiction against any political subdivision**
173 **that fails to comply with this section in order to force the political**
174 **subdivision into compliance.**

135.305. A Missouri wood energy producer shall be eligible for a tax credit
2 on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as
3 a production incentive to produce processed wood products in a qualified
4 wood-producing facility using Missouri forest product residue. The tax credit to
5 the wood energy producer shall be five dollars per ton of processed material. The
6 credit may be claimed for a period of five years and is to be a tax credit against
7 the tax otherwise due. No new tax credits, provided for under sections 135.300
8 to 135.311, shall be authorized after June 30, [2020] **2026**. In no event shall the
9 aggregate amount of all tax credits allowed under sections 135.300 to 135.311
10 exceed six million dollars in any given fiscal year. There shall be no tax credits
11 authorized under sections 135.300 to 135.311 unless an appropriation is made for
12 such tax credits.

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

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

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

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

14 [(3)] (4) "State tax liability", in the case of a business taxpayer, any
15 liability incurred by such taxpayer pursuant to the provisions of chapter 143,

16 chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to
17 the withholding of tax as provided for in sections 143.191 to 143.265 and related
18 provisions, and in the case of an individual taxpayer, any liability incurred by
19 such taxpayer pursuant to the provisions of chapter 143;

20 [(4)] (5) "Taxpayer", a person, firm, a partner in a firm, corporation or
21 a shareholder in an S corporation doing business in the state of Missouri and
22 subject to the state income tax imposed by the provisions of chapter 143, or a
23 corporation subject to the annual corporation franchise tax imposed by the
24 provisions of chapter 147, including any charitable organization which is exempt
25 from federal income tax and whose Missouri unrelated business taxable income,
26 if any, would be subject to the state income tax imposed under chapter 143, or an
27 insurance company paying an annual tax on its gross premium receipts in this
28 state, or other financial institution paying taxes to the state of Missouri or any
29 political subdivision of this state pursuant to the provisions of chapter 148, or an
30 express company which pays an annual tax on its gross receipts in this state
31 pursuant to chapter 153, or an individual subject to the state income tax imposed
32 by the provisions of chapter 143.

33 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's
34 state tax liability, in an amount equal to fifty percent of the amount such
35 taxpayer contributed to a shelter for victims of domestic violence **or rape crisis**
36 **center for all fiscal years ending on or before June 30, 2021, and**
37 **seventy percent of the amount such taxpayer contributed to a shelter**
38 **for victims of domestic violence or rape crisis center for all fiscal years**
39 **beginning on or after July 1, 2021.**

40 3. The amount of the tax credit claimed shall not exceed the amount of the
41 taxpayer's state tax liability for the taxable year that the credit is claimed, and
42 such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand
43 dollars per taxable year. However, any tax credit that cannot be claimed in the
44 taxable year the contribution was made may be carried over to the next four
45 succeeding taxable years until the full credit has been claimed.

46 4. Except for any excess credit which is carried over pursuant to
47 subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit
48 unless the total amount of such taxpayer's contribution or contributions to a
49 shelter or shelters for victims of domestic violence **or rape crisis center** in such
50 taxpayer's taxable year has a value of at least one hundred dollars.

51 5. The director of the department of social services shall determine, at

52 least annually, which facilities in this state may be classified as shelters for
53 victims of domestic violence **and rape crisis centers**. The director of the
54 department of social services may require of a facility seeking to be classified as
55 a shelter for victims of domestic violence **or rape crisis center** whatever
56 information is reasonably necessary to make such a determination. The director
57 of the department of social services shall classify a facility as a shelter for victims
58 of domestic violence **or rape crisis center** if such facility meets the definition
59 set forth in subsection 1 of this section.

60 6. The director of the department of social services shall establish a
61 procedure by which a taxpayer can determine if a facility has been classified as
62 a shelter for victims of domestic violence **or rape crisis center**, and by which
63 such taxpayer can then contribute to such shelter for victims of domestic violence
64 **or rape crisis center** and claim a tax credit. Shelters for victims of domestic
65 violence **and rape crisis centers** shall be permitted to decline a contribution
66 from a taxpayer. The cumulative amount of tax credits which may be claimed by
67 all the taxpayers contributing to shelters for victims of domestic violence **and**
68 **rape crisis centers** in any one fiscal year shall not exceed two million dollars
69 **for all fiscal years ending on or before June 30, 2021. For all fiscal**
70 **years beginning on or after July 1, 2021, the cumulative amount of tax**
71 **credits which may be claimed by all the taxpayers contributing to**
72 **shelters for victims of domestic violence and rape crisis centers in any**
73 **one fiscal year shall not exceed four million dollars.**

74 7. **For all fiscal years ending on or before June 30, 2021,** the
75 director of the department of social services shall establish a procedure by which,
76 from the beginning of the fiscal year until some point in time later in the fiscal
77 year to be determined by the director of the department of social services, the
78 cumulative amount of tax credits are equally apportioned among all facilities
79 classified as shelters for victims of domestic violence **and rape crisis centers**.
80 If a shelter for victims of domestic violence **or rape crisis center** fails to use all,
81 or some percentage to be determined by the director of the department of social
82 services, of its apportioned tax credits during this predetermined period of time,
83 the director of the department of social services may reapportion these unused
84 tax credits to those shelters for victims of domestic violence **and rape crisis**
85 **centers** that have used all, or some percentage to be determined by the director
86 of the department of social services, of their apportioned tax credits during this
87 predetermined period of time. The director of the department of social services

88 may establish more than one period of time and reapportion more than once
89 during each fiscal year. To the maximum extent possible, the director of the
90 department of social services shall establish the procedure described in this
91 subsection in such a manner as to ensure that taxpayers can claim all the tax
92 credits possible up to the cumulative amount of tax credits available for the fiscal
93 year.

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

137.115. 1. All other laws to the contrary notwithstanding, the assessor
2 or the assessor's deputies in all counties of this state including the City of St.
3 Louis shall annually make a list of all real and tangible personal property taxable
4 in the assessor's city, county, town or district. Except as otherwise provided in
5 subsection 3 of this section and section 137.078, the assessor shall annually
6 assess all personal property at thirty-three and one-third percent of its true value
7 in money as of January first of each calendar year. The assessor shall annually
8 assess all real property, including any new construction and improvements to real
9 property, and possessory interests in real property at the percent of its true value
10 in money set in subsection 5 of this section. The true value in money of any
11 possessory interest in real property in subclass (3), where such real property is
12 on or lies within the ultimate airport boundary as shown by a federal airport
13 layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR
14 Part 139 certification and owned by a political subdivision, shall be the otherwise
15 applicable true value in money of any such possessory interest in real property,
16 less the total dollar amount of costs paid by a party, other than the political
17 subdivision, towards any new construction or improvements on such real property
18 completed after January 1, 2008, and which are included in the above-mentioned
19 possessory interest, regardless of the year in which such costs were incurred or
20 whether such costs were considered in any prior year. The assessor shall
21 annually assess all real property in the following manner: new assessed values
22 shall be determined as of January first of each odd-numbered year and shall be
23 entered in the assessor's books; those same assessed values shall apply in the
24 following even-numbered year, except for new construction and property
25 improvements which shall be valued as though they had been completed as of
26 January first of the preceding odd-numbered year. The assessor may call at the
27 office, place of doing business, or residence of each person required by this
28 chapter to list property, and require the person to make a correct statement of all

29 taxable tangible personal property owned by the person or under his or her care,
30 charge or management, taxable in the county. On or before January first of each
31 even-numbered year, the assessor shall prepare and submit a two-year
32 assessment maintenance plan to the county governing body and the state tax
33 commission for their respective approval or modification. The county governing
34 body shall approve and forward such plan or its alternative to the plan to the
35 state tax commission by February first. If the county governing body fails to
36 forward the plan or its alternative to the plan to the state tax commission by
37 February first, the assessor's plan shall be considered approved by the county
38 governing body. If the state tax commission fails to approve a plan and if the
39 state tax commission and the assessor and the governing body of the county
40 involved are unable to resolve the differences, in order to receive state cost-share
41 funds outlined in section 137.750, the county or the assessor shall petition the
42 administrative hearing commission, by May first, to decide all matters in dispute
43 regarding the assessment maintenance plan. Upon agreement of the parties, the
44 matter may be stayed while the parties proceed with mediation or arbitration
45 upon terms agreed to by the parties. The final decision of the administrative
46 hearing commission shall be subject to judicial review in the circuit court of the
47 county involved. In the event a valuation of subclass (1) real property within any
48 county with a charter form of government, or within a city not within a county,
49 is made by a computer, computer-assisted method or a computer program, the
50 burden of proof, supported by clear, convincing and cogent evidence to sustain
51 such valuation, shall be on the assessor at any hearing or appeal. In any such
52 county, unless the assessor proves otherwise, there shall be a presumption that
53 the assessment was made by a computer, computer-assisted method or a
54 computer program. Such evidence shall include, but shall not be limited to, the
55 following:

56 (1) The findings of the assessor based on an appraisal of the property by
57 generally accepted appraisal techniques; and

58 (2) The purchase prices from sales of at least three comparable properties
59 and the address or location thereof. As used in this subdivision, the word
60 "comparable" means that:

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

62 (b) Such properties are not more than one mile from the site of the
63 disputed property, except where no similar properties exist within one mile of the
64 disputed property, the nearest comparable property shall be used. Such property

65 shall be within five hundred square feet in size of the disputed property, and
66 resemble the disputed property in age, floor plan, number of rooms, and other
67 relevant characteristics.

68 2. Assessors in each county of this state and the City of St. Louis may
69 send personal property assessment forms through the mail.

70 3. The following items of personal property shall each constitute separate
71 subclasses of tangible personal property and shall be assessed and valued for the
72 purposes of taxation at the following percentages of their true value in money:

73 (1) Grain and other agricultural crops in an unmanufactured condition,
74 one-half of one percent;

75 (2) Livestock, twelve percent;

76 (3) Farm machinery, twelve percent;

77 (4) Motor vehicles which are eligible for registration as and are registered
78 as historic motor vehicles pursuant to section 301.131 and aircraft which are at
79 least twenty-five years old and which are used solely for noncommercial purposes
80 and are operated less than fifty hours per year or aircraft that are home built
81 from a kit, five percent;

82 (5) Poultry, twelve percent; and

83 (6) Tools and equipment used for pollution control and tools and
84 equipment used in retooling for the purpose of introducing new product lines or
85 used for making improvements to existing products by any company which is
86 located in a state enterprise zone and which is identified by any standard
87 industrial classification number cited in subdivision [(5)] (7) of section 135.200,
88 twenty-five percent.

89 4. The person listing the property shall enter a true and correct statement
90 of the property, in a printed blank prepared for that purpose. The statement,
91 after being filled out, shall be signed and either affirmed or sworn to as provided
92 in section 137.155. The list shall then be delivered to the assessor.

93 5. (1) All subclasses of real property, as such subclasses are established
94 in Section 4(b) of Article X of the Missouri Constitution and defined in section
95 137.016, shall be assessed at the following percentages of true value:

96 (a) For real property in subclass (1), nineteen percent;

97 (b) For real property in subclass (2), twelve percent; and

98 (c) For real property in subclass (3), thirty-two percent.

99 (2) A taxpayer may apply to the county assessor, or, if not located within
100 a county, then the assessor of such city, for the reclassification of such taxpayer's

101 real property if the use or purpose of such real property is changed after such
102 property is assessed under the provisions of this chapter. If the assessor
103 determines that such property shall be reclassified, he or she shall determine the
104 assessment under this subsection based on the percentage of the tax year that
105 such property was classified in each subclassification.

106 6. Manufactured homes, as defined in section 700.010, which are actually
107 used as dwelling units shall be assessed at the same percentage of true value as
108 residential real property for the purpose of taxation. The percentage of
109 assessment of true value for such manufactured homes shall be the same as for
110 residential real property. If the county collector cannot identify or find the
111 manufactured home when attempting to attach the manufactured home for
112 payment of taxes owed by the manufactured home owner, the county collector
113 may request the county commission to have the manufactured home removed from
114 the tax books, and such request shall be granted within thirty days after the
115 request is made; however, the removal from the tax books does not remove the tax
116 lien on the manufactured home if it is later identified or found. For purposes of
117 this section, a manufactured home located in a manufactured home rental park,
118 rental community or on real estate not owned by the manufactured home owner
119 shall be considered personal property. For purposes of this section, a
120 manufactured home located on real estate owned by the manufactured home
121 owner may be considered real property.

122 7. Each manufactured home assessed shall be considered a parcel for the
123 purpose of reimbursement pursuant to section 137.750, unless the manufactured
124 home is real estate as defined in subsection 7 of section 442.015 and assessed as
125 a realty improvement to the existing real estate parcel.

126 8. Any amount of tax due and owing based on the assessment of a
127 manufactured home shall be included on the personal property tax statement of
128 the manufactured home owner unless the manufactured home is real estate as
129 defined in subsection 7 of section 442.015, in which case the amount of tax due
130 and owing on the assessment of the manufactured home as a realty improvement
131 to the existing real estate parcel shall be included on the real property tax
132 statement of the real estate owner.

133 9. The assessor of each county and each city not within a county shall use
134 the trade-in value published in the October issue of the National Automobile
135 Dealers' Association Official Used Car Guide, or its successor publication, as the
136 recommended guide of information for determining the true value of motor

137 vehicles described in such publication. The assessor shall not use a value that
138 is greater than the average trade-in value in determining the true value of the
139 motor vehicle without performing a physical inspection of the motor vehicle. For
140 vehicles two years old or newer from a vehicle's model year, the assessor may use
141 a value other than average without performing a physical inspection of the motor
142 vehicle. In the absence of a listing for a particular motor vehicle in such
143 publication, the assessor shall use such information or publications which in the
144 assessor's judgment will fairly estimate the true value in money of the motor
145 vehicle.

146 10. Before the assessor may increase the assessed valuation of any parcel
147 of subclass (1) real property by more than fifteen percent since the last
148 assessment, excluding increases due to new construction or improvements, the
149 assessor shall conduct a physical inspection of such property.

150 11. If a physical inspection is required, pursuant to subsection 10 of this
151 section, the assessor shall notify the property owner of that fact in writing and
152 shall provide the owner clear written notice of the owner's rights relating to the
153 physical inspection. If a physical inspection is required, the property owner may
154 request that an interior inspection be performed during the physical
155 inspection. The owner shall have no less than thirty days to notify the assessor
156 of a request for an interior physical inspection.

157 12. A physical inspection, as required by subsection 10 of this section,
158 shall include, but not be limited to, an on-site personal observation and review
159 of all exterior portions of the land and any buildings and improvements to which
160 the inspector has or may reasonably and lawfully gain external access, and shall
161 include an observation and review of the interior of any buildings or
162 improvements on the property upon the timely request of the owner pursuant to
163 subsection 11 of this section. Mere observation of the property via a drive-by
164 inspection or the like shall not be considered sufficient to constitute a physical
165 inspection as required by this section.

166 13. [The provisions of subsections 11 and 12 of this section shall only
167 apply in any county with a charter form of government with more than one
168 million inhabitants.

169 14.] A county or city collector may accept credit cards as proper form of
170 payment of outstanding property tax or license due. No county or city collector
171 may charge surcharge for payment by credit card which exceeds the fee or
172 surcharge charged by the credit card bank, processor, or issuer for its service. A

173 county or city collector may accept payment by electronic transfers of funds in
174 payment of any tax or license and charge the person making such payment a fee
175 equal to the fee charged the county by the bank, processor, or issuer of such
176 electronic payment.

177 [15.] **14.** Any county or city not within a county in this state may, by an
178 affirmative vote of the governing body of such county, opt out of the provisions of
179 this section and sections 137.073, 138.060, and 138.100 as enacted by house bill
180 no. 1150 of the ninety-first general assembly, second regular session and section
181 137.073 as modified by house committee substitute for senate substitute for
182 senate committee substitute for senate bill no. 960, ninety-second general
183 assembly, second regular session, for the next year of the general reassessment,
184 prior to January first of any year. No county or city not within a county shall
185 exercise this opt-out provision after implementing the provisions of this section
186 and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of
187 the ninety-first general assembly, second regular session and section 137.073 as
188 modified by house committee substitute for senate substitute for senate
189 committee substitute for senate bill no. 960, ninety-second general assembly,
190 second regular session, in a year of general reassessment. For the purposes of
191 applying the provisions of this subsection, a political subdivision contained within
192 two or more counties where at least one of such counties has opted out and at
193 least one of such counties has not opted out shall calculate a single tax rate as
194 in effect prior to the enactment of house bill no. 1150 of the ninety-first general
195 assembly, second regular session. A governing body of a city not within a county
196 or a county that has opted out under the provisions of this subsection may choose
197 to implement the provisions of this section and sections 137.073, 138.060, and
198 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,
199 second regular session, and section 137.073 as modified by house committee
200 substitute for senate substitute for senate committee substitute for senate bill no.
201 960, ninety-second general assembly, second regular session, for the next year of
202 general reassessment, by an affirmative vote of the governing body prior to
203 December thirty-first of any year.

204 [16.] **15.** The governing body of any city of the third classification with
205 more than twenty-six thousand three hundred but fewer than twenty-six
206 thousand seven hundred inhabitants located in any county that has exercised its
207 authority to opt out under subsection [15] **14** of this section may levy separate
208 and differing tax rates for real and personal property only if such city bills and

209 collects its own property taxes or satisfies the entire cost of the billing and
210 collection of such separate and differing tax rates. Such separate and differing
211 rates shall not exceed such city's tax rate ceiling.

212 [17.] 16. Any portion of real property that is available as reserve for
213 strip, surface, or coal mining for minerals for purposes of excavation for future
214 use or sale to others that has not been bonded and permitted under chapter 444
215 shall be assessed based upon how the real property is currently being used. Any
216 information provided to a county assessor, state tax commission, state agency, or
217 political subdivision responsible for the administration of tax policies shall, in the
218 performance of its duties, make available all books, records, and information
219 requested, except such books, records, and information as are by law declared
220 confidential in nature, including individually identifiable information regarding
221 a specific taxpayer or taxpayer's mine property. For purposes of this subsection,
222 "mine property" shall mean all real property that is in use or readily available as
223 a reserve for strip, surface, or coal mining for minerals for purposes of excavation
224 for current or future use or sale to others that has been bonded and permitted
225 under chapter 444.

137.180. 1. Whenever any assessor shall increase the valuation of any
2 real property he shall forthwith notify the record owner of such increase, either
3 in person, or by mail directed to the last known address; every such increase in
4 assessed valuation made by the assessor shall be subject to review by the county
5 board of equalization whereat the landowner shall be entitled to be heard, and
6 the notice to the landowner shall so state.

7 2. Effective January 1, 2009, for all counties with a charter form of
8 government, other than any county adopting a charter form of government after
9 January 1, 2008, whenever any assessor shall increase the valuation of any real
10 property, he or she shall forthwith notify the record owner on or before June
11 [fifteenth] first of such increase and, in a year of general reassessment, the
12 county shall notify the record owner of the projected tax liability likely to result
13 from such an increase, either in person, or by mail directed to the last known
14 address; every such increase in assessed valuation made by the assessor shall be
15 subject to review by the county board of equalization whereat the landowner shall
16 be entitled to be heard, and the notice to the landowner shall so state. Notice of
17 the projected tax liability from the county shall accompany the notice of increased
18 valuation from the assessor.

19 3. For all calendar years prior to the first day of January of the year

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

33 4. Effective January first of the year following receipt of software
34 necessary for the implementation of the requirements provided under this
35 subsection and subsection 5 of this section from the state tax commission, for all
36 counties not subject to the provisions of subsection 2 of this section or subsection
37 2 of section 137.355, whenever any assessor shall increase the valuation of any
38 real property, he or she shall forthwith notify the record owner on or before June
39 [fifteenth] **first** of such increase and, in a year of general reassessment, the
40 county shall notify the record owner of the projected tax liability likely to result
41 from such an increase, either in person, or by mail directed to the last known
42 address; every such increase in assessed valuation made by the assessor shall be
43 subject to review by the county board of equalization whereat the landowner shall
44 be entitled to be heard, and the notice to the landowner shall so state. Notice of
45 the projected tax liability from the county shall accompany the notice of increased
46 valuation from the assessor.

47 5. The notice of projected tax liability, required under subsections 2 and
48 4 of this section, from the county shall include:

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

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

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

56 (4) The previous year's tax rates for each individual tax levy imposed by
57 each political subdivision levying a tax upon the property of the record owner;

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

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

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

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

66 6. In addition to the requirements provided under subsections 1, 2, and
67 5 of this section, effective January 1, 2011, in any county with a charter form of
68 government and with more than one million inhabitants, whenever any assessor
69 shall notify a record owner of any change in assessed value, such assessor shall
70 provide notice that information regarding the assessment method and
71 computation of value for such property is available on the assessor's website and
72 provide the exact website address at which such information may be
73 accessed. Such notification shall provide the assessor's contact information to
74 enable taxpayers without internet access to request and receive information
75 regarding the assessment method and computation of value for such
76 property. **Beginning January 1, 2021, such notice shall also include, in**
77 **the case of a property valued using sales of comparable properties, a**
78 **list of such comparable properties and the address or location and**
79 **purchase prices from sales thereof that the assessor used in**
80 **determining the assessed valuation of the owner's property. As used in**
81 **this subsection, the word "comparable" means that:**

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

84 (2) Such properties are not more than one mile from the site of
85 the disputed property, except where no similar properties exist within
86 one mile of the disputed property, the nearest comparable property
87 shall be used. Such property shall be within five hundred square feet
88 in size of the disputed property, and resemble the disputed property in
89 age, floor plan, number of rooms, and other relevant characteristics.

137.275. Every person who thinks himself aggrieved by the assessment
2 of his property may appeal to the county board of equalization, in person, by

3 attorney or agent, or in writing. Such appeals shall be lodged with the county
4 board of equalization on or before the [second] **first** Monday in July.

137.355. 1. If an assessor increases the valuation of any tangible personal
2 property as estimated in the itemized list furnished to the assessor, and if an
3 assessor increases the valuation of any real property, he shall forthwith notify the
4 record owner of the increase either in person or by mail directed to the last
5 known address, and if the address of the owner is unknown notice shall be given
6 by publication in two newspapers published in the county.

7 2. For all calendar years prior to the first day of January of the year
8 following receipt of software necessary for the implementation of the
9 requirements provided under subsections 3 and 4 of this section from the state
10 tax commission, whenever any assessor shall increase the valuation of any real
11 property, he or she shall forthwith notify the record owner on or before June
12 [fifteenth] **first** of the previous assessed value and such increase either in person,
13 or by mail directed to the last known address and include on the face of such
14 notice, in no less than twelve-point font, the following statement:

15 NOTICE TO TAXPAYER: IF YOUR ASSESSED VALUE HAS
16 INCREASED, IT MAY INCREASE YOUR REAL PROPERTY
17 TAXES WHICH ARE DUE DECEMBER THIRTY-FIRST. IF YOU
18 DO NOT AGREE THAT THE VALUE OF YOUR PROPERTY HAS
19 INCREASED, YOU MUST CHALLENGE THE VALUE ON OR
20 BEFORE _____ (INSERT DATE BY WHICH APPEAL MUST BE
21 FILED) BY CONTACTING YOUR COUNTY ASSESSOR.

22 3. Effective January first of the year following receipt of software
23 necessary for the implementation of the requirements provided under this
24 subsection and subsection 4 of this section from the state tax commission, if an
25 assessor increases the valuation of any real property, the assessor, on or before
26 June [fifteenth] **first**, shall notify the record owner of the increase and, in a year
27 of general reassessment, the county shall notify the record owner of the projected
28 tax liability likely to result from such an increase either in person or by mail
29 directed to the last known address, and, if the address of the owner is unknown,
30 notice shall be given by publication in two newspapers published in the
31 county. Notice of the projected tax liability from the county shall accompany the
32 notice of increased valuation from the assessor.

33 4. The notice of projected tax liability, required under subsection 3 of this
34 section, from the county shall include:

- 35 (1) Record owner's name, address, and the parcel number of the property;
- 36 (2) A list of all political subdivisions levying a tax upon the property of
- 37 the record owner;
- 38 (3) The projected tax rate for each political subdivision levying a tax upon
- 39 the property of the record owner, and the purpose for each levy of such political
- 40 subdivisions;
- 41 (4) The previous year's tax rates for each individual tax levy imposed by
- 42 each political subdivision levying a tax upon the property of the record owner;
- 43 (5) The tax rate ceiling for each levy imposed by each political subdivision
- 44 levying a tax upon the property of the record owner;
- 45 (6) The contact information for each political subdivision levying a tax
- 46 upon the property of the record owner;
- 47 (7) A statement identifying any projected tax rates for political
- 48 subdivisions levying a tax upon the property of the record owner, which were not
- 49 calculated and provided by the political subdivision levying the tax; and
- 50 (8) The total projected property tax liability of the taxpayer.

137.385. Any person aggrieved by the assessment of his property may

2 appeal to the county board of equalization. An appeal shall be in writing and the

3 forms to be used for this purpose shall be furnished by the county clerk. Such

4 appeal shall be lodged with the county clerk as secretary of the board of

5 equalization before the [third] **first** Monday in [June] **July**; provided, that the

6 board may in its discretion extend the time for filing such appeals.

138.060. 1. **(1)** The county board of equalization shall, in a summary

2 way, determine all appeals from the valuation of property made by the assessor,

3 and shall correct and adjust the assessment accordingly. There shall be no

4 presumption that the assessor's valuation is correct. In any county with a charter

5 form of government with a population greater than two hundred eighty thousand

6 inhabitants but less than two hundred eighty-five thousand inhabitants, and in

7 any county with a charter form of government with greater than one million

8 inhabitants, and in any city not within a county, the assessor shall have the

9 burden to prove that the assessor's valuation does not exceed the true market

10 value of the subject property. In such county or city, in the event a physical

11 inspection of the subject property is required by subsection 10 of section 137.115,

12 the assessor shall have the burden to establish the manner in which the physical

13 inspection was performed and shall have the burden to prove that the physical

14 inspection was performed in accordance with section 137.115. In such county or

15 city, in the event the assessor fails to provide sufficient evidence to establish that
16 the physical inspection was performed in accordance with section 137.115, the
17 property owner shall prevail on the appeal as a matter of law. At any hearing
18 before the state tax commission or a court of competent jurisdiction of an appeal
19 of assessment from a first class charter county or a city not within a county, the
20 assessor shall not advocate nor present evidence advocating a valuation higher
21 than that value finally determined by the assessor or the value determined by the
22 board of equalization, whichever is higher, for that assessment period.

23 **(2) The provisions of subdivision (1) of this subsection shall also**
24 **apply to appeals made in any county not described in subdivision (1)**
25 **of this subsection for which the property subject to appeal experienced**
26 **an increase in assessed valuation in excess of fifteen percent since the**
27 **previous assessment, excluding increases due to new construction or**
28 **improvements.**

29 2. The county clerk shall keep an accurate record of the proceedings and
30 orders of the board, and the assessor shall correct all erroneous assessments, and
31 the clerk shall adjust the tax book according to the orders of such board and the
32 orders of the state tax commission, except that in adding or deducting such
33 percent to each tract or parcel of real estate as required by such board or state
34 tax commission, he shall add or deduct in each case any fractional sum of less
35 than fifty cents, so that the value of any separate tract shall contain no fractions
36 of a dollar.

138.090. 1. Except as provided in subsection 2 of this section, the county
2 board of equalization in first class counties shall meet on the [first] **third**
3 Monday in July of each year.

4 2. Upon a finding by the board that it is necessary in order to fairly hear
5 all cases arising from a general reassessment, the board may begin meeting after
6 July first in any applicable year to timely consider any appeal or complaint
7 resulting from an evaluation made during a general reassessment of all taxable
8 real property and possessory interests in the county. There shall be no
9 presumption that the assessor's valuation is correct.

138.434. Any first class charter county or a city not within a county may
2 require by ordinance or charter the reimbursement to a taxpayer for the amount
3 of just and reasonable appraisal costs, attorney fees and court costs resulting
4 from an evidentiary hearing before the state tax commission or a court of
5 competent jurisdiction if such appeal results in a final decision reducing the

6 appraised value of residential property by at least fifteen percent or the appraised
7 value of utility, industrial railroad and other subclass three property by at least
8 twenty-five percent from the appraised value determined by the board of
9 equalization for that tax year. The commission or court awarding such fees and
10 costs shall consider the reasonableness of the fees and costs within the context
11 of the particular case. Such fees and costs shall not exceed one thousand dollars
12 for a residential property appeal. Such fees and costs for utility, industrial
13 railroad or other subclass three property appeals shall not exceed the lesser of
14 four thousand dollars or twenty-five percent of the tax savings resulting from the
15 appeal. **Beginning January 1, 2021, for a county with a charter form of**
16 **government and with more than nine hundred fifty thousand**
17 **inhabitants, such fees and costs shall not exceed six thousand dollars**
18 **for a residential property appeal, and such fees and costs for utility,**
19 **industrial railroad, or other subclass three property appeals shall not**
20 **exceed the lesser of ten thousand dollars or twenty-five percent of the**
21 **tax savings resulting from the appeal.** The provisions of this section shall
22 only apply to the first contested year when cases are tried on a consolidated basis.

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

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

5 (1) The amount of any federal income tax refund received for a prior year
6 which resulted in a Missouri income tax benefit. **The amount added pursuant**
7 **to this subdivision shall not include any amount of a federal income tax**
8 **refund attributable to a tax credit reducing a taxpayer's federal tax**
9 **liability pursuant to Public Law 116-136, enacted by the 116th United**
10 **States Congress, for the tax year beginning on or after January 1, 2020,**
11 **and ending on or before December 31, 2020, and deducted from**
12 **Missouri adjusted gross income pursuant to section 143.171;**

13 (2) Interest on certain governmental obligations excluded from federal
14 gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as
15 amended. The previous sentence shall not apply to interest on obligations of the
16 state of Missouri or any of its political subdivisions or authorities and shall not
17 apply to the interest described in subdivision (1) of subsection 3 of this
18 section. The amount added pursuant to this subdivision shall be reduced by the
19 amounts applicable to such interest that would have been deductible in

20 computing the taxable income of the taxpayer except only for the application of
21 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction
22 shall only be made if it is at least five hundred dollars;

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

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

42 (5) For nonresident individuals in all taxable years ending on or after
43 December 31, 2006, the amount of any property taxes paid to another state or a
44 political subdivision of another state for which a deduction was allowed on such
45 nonresident's federal return in the taxable year unless such state, political
46 subdivision of a state, or the District of Columbia allows a subtraction from
47 income for property taxes paid to this state for purposes of calculating income for
48 the income tax for such state, political subdivision of a state, or the District of
49 Columbia;

50 (6) For all tax years beginning on or after January 1, 2018, any interest
51 expense paid or accrued in a previous taxable year, but allowed as a deduction
52 under 26 U.S.C. Section 163, as amended, in the current taxable year by reason
53 of the carryforward of disallowed business interest provisions of 26 U.S.C. Section
54 163(j), as amended. For the purposes of this subdivision, an interest expense is
55 considered paid or accrued only in the first taxable year the deduction would have

56 been allowable under 26 U.S.C. Section 163, as amended, if the limitation under
57 26 U.S.C. Section 163(j), as amended, did not exist.

58 3. There shall be subtracted from the taxpayer's federal adjusted gross
59 income the following amounts to the extent included in federal adjusted gross
60 income:

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

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

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

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

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

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

92 (7) The amount that would have been deducted in the computation of
93 federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue
94 Code as in effect on January 1, 2002, to the extent that amount relates to
95 property purchased on or after July 1, 2002, but before July 1, 2003, and to the
96 extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C.
97 Section 168 of the Internal Revenue Code as amended by the Job Creation and
98 Worker Assistance Act of 2002;

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

110 (9) For all tax years ending on or after July 1, 2002, with respect to
111 qualified property that is sold or otherwise disposed of during a taxable year by
112 a taxpayer and for which an additional modification was made under subdivision
113 (3) of subsection 2 of this section, the amount by which additional modification
114 made under subdivision (3) of subsection 2 of this section on qualified property
115 has not been recovered through the additional subtractions provided in
116 subdivision (7) of this subsection;

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

121 (a) Livestock Forage Disaster Program;

122 (b) Livestock Indemnity Program;

123 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised
124 Fish;

125 (d) Emergency Conservation Program;

126 (e) Noninsured Crop Disaster Assistance Program;

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

128 (g) Annual Forage Pilot Program;
129 (h) Livestock Risk Protection Insurance Plan; and
130 (i) Livestock Gross Margin Insurance Plan; and
131 (11) For all tax years beginning on or after January 1, 2018, any interest
132 expense paid or accrued in the current taxable year, but not deducted as a result
133 of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the
134 purposes of this subdivision, an interest expense is considered paid or accrued
135 only in the first taxable year the deduction would have been allowable under 26
136 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j),
137 as amended, did not exist.

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

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

143 6. In addition to the modifications to a taxpayer's federal adjusted gross
144 income in this section, to calculate Missouri adjusted gross income there shall be
145 subtracted from the taxpayer's federal adjusted gross income any gain recognized
146 pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as
147 amended, arising from compulsory or involuntary conversion of property as a
148 result of condemnation or the imminence thereof.

149 7. (1) As used in this subsection, "qualified health insurance premium"
150 means the amount paid during the tax year by such taxpayer for any insurance
151 policy primarily providing health care coverage for the taxpayer, the taxpayer's
152 spouse, or the taxpayer's dependents.

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

159 8. (1) Beginning January 1, 2014, in addition to the subtractions provided
160 in this section, one hundred percent of the cost incurred by a taxpayer for a home
161 energy audit conducted by an entity certified by the department of natural
162 resources under section 640.153 or the implementation of any energy efficiency
163 recommendations made in such an audit shall be subtracted from the taxpayer's

164 federal adjusted gross income to the extent the amount paid for any such activity
165 is included in federal taxable income. The taxpayer shall provide the department
166 of revenue with a summary of any recommendations made in a qualified home
167 energy audit, the name and certification number of the qualified home energy
168 auditor who conducted the audit, and proof of the amount paid for any activities
169 under this subsection for which a deduction is claimed. The taxpayer shall also
170 provide a copy of the summary of any recommendations made in a qualified home
171 energy audit to the department of natural resources.

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

176 (3) Any deduction claimed under this subsection shall be claimed for the
177 tax year in which the qualified home energy audit was conducted or in which the
178 implementation of the energy efficiency recommendations occurred. If
179 implementation of the energy efficiency recommendations occurred during more
180 than one year, the deduction may be claimed in more than one year, subject to the
181 limitations provided under subdivision (2) of this subsection.

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

186 9. The provisions of subsection 8 of this section shall expire on December
187 31, 2020.

143.171. 1. For all tax years beginning on or after January 1, 1994, and
2 ending on or before December 31, 2018, an individual taxpayer shall be allowed
3 a deduction for his or her federal income tax liability under Chapter 1 of the
4 Internal Revenue Code for the same taxable year for which the Missouri return
5 is being filed, not to exceed five thousand dollars on a single taxpayer's return or
6 ten thousand dollars on a combined return, after reduction for all credits thereon,
7 except the credit for payments of federal estimated tax, the credit for the
8 overpayment of any federal tax, and the credits allowed by the Internal Revenue
9 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

10 2. (1) Notwithstanding any other provision of law to the contrary, for all
11 tax years beginning on or after January 1, 2019, an individual taxpayer shall be
12 allowed a deduction equal to a percentage of his or her federal income tax liability

13 under Chapter 1 of the Internal Revenue Code for the same taxable year for
 14 which the Missouri return is being filed, not to exceed five thousand dollars on
 15 a single taxpayer's return or ten thousand dollars on a combined return, after
 16 reduction for all credits thereon, except the credit for payments of federal
 17 estimated tax, the credit for the overpayment of any federal tax, and the credits
 18 allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section
 19 27, and 26 U.S.C. Section 34. The deduction percentage is determined according
 20 to the following table:

21	If the Missouri gross income on the	The deduction
22	return is:	percentage is:
23	\$25,000 or less	35 percent
24	From \$25,001 to \$50,000	25 percent
25	From \$50,001 to \$100,000	15 percent
26	From \$100,001 to \$125,000	5 percent
27	\$125,001 or more	0 percent

28 **(2) Notwithstanding any provision of law to the contrary, the**
 29 **amount of any tax credits reducing a taxpayer's federal tax liability**
 30 **pursuant to Public Law 116-136, enacted by the 116th United States**
 31 **Congress, for the tax year beginning on or after January 1, 2020, and**
 32 **ending on or before December 31, 2020, shall not be considered in**
 33 **determining a taxpayer's federal tax liability for the purposes of**
 34 **subdivision (1) of this subsection.**

35 3. For all tax years beginning on or after September 1, 1993, a corporate
 36 taxpayer shall be allowed a deduction for fifty percent of its federal income tax
 37 liability under Chapter 1 of the Internal Revenue Code for the same taxable year
 38 for which the Missouri return is being filed after reduction for all credits thereon,
 39 except the credit for payments of federal estimated tax, the credit for the
 40 overpayment of any federal tax, and the credits allowed by the Internal Revenue
 41 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

42 4. If a federal income tax liability for a tax year prior to the applicability
 43 of sections 143.011 to 143.996 for which he was not previously entitled to a
 44 Missouri deduction is later paid or accrued, he may deduct the federal tax in the
 45 later year to the extent it would have been deductible if paid or accrued in the
 46 prior year.

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

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

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

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

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

11 (5) "Exempt partner", a partner that is exempt from taxation
12 under the provisions of subdivisions (1) or (4) of subsection 2 of section
13 143.441, except on unrelated business taxable income;

14 (6) "Federal adjustment", a change to an item or amount
15 determined under the Internal Revenue Code that is used by a taxpayer
16 to compute Missouri individual or corporate income tax owed, whether
17 that change results from action by the IRS, including a partnership
18 level audit, or the filing of an amended federal return, federal refund
19 claim, or an administrative adjustment request by the taxpayer. A
20 federal adjustment is positive to the extent that it increases Missouri
21 taxable income as determined under section 143.431, or Missouri
22 adjusted gross income under section 143.121 or 143.181, and is negative
23 to the extent that it decreases such Missouri taxable income or
24 Missouri adjusted gross income;

25 (7) "Federal adjustments report", methods or forms, which shall
26 be prescribed by the department of revenue, for use by a taxpayer to
27 report final federal adjustments, including an amended Missouri tax
28 return, a uniform multistate report, or an information return,
29 notwithstanding any provision of law restricting the form or
30 applicability of information return filing;

31 (8) "Federal partnership representative", the person the
32 partnership designates for the taxable year as the partnership's
33 representative, or the person the IRS has appointed to act as the
34 federal partnership representative, under 26 U.S.C. Section 6223(a);

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

36 (a) Except as provided under paragraphs (b) and (c) of this
37 subdivision, if the federal adjustment arises from an IRS audit or other
38 action by the IRS, the final determination date shall be the first day on
39 which no federal adjustments arising from such audit or other action

40 remain to be finally determined, whether by IRS decision with respect
41 to which all rights of appeal have been waived or exhausted, by
42 agreement, or, if appealed or contested, by a final decision with respect
43 to which all rights of appeal have been waived or exhausted. For
44 agreements required to be signed by the IRS and the taxpayer, the final
45 determination date shall be the date on which the last party signed the
46 agreement;

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

53 (c) If the federal adjustment results from filing an amended
54 federal return, a federal refund claim, or an administrative adjustment
55 request, or if it is a federal adjustment reported on an amended federal
56 return or other similar report filed under 26 U.S.C. Section 6225(c), the
57 final determination date shall be the day on which the amended return,
58 refund claim, administrative adjustment request, or other similar
59 report was filed;

60 (10) "Final federal adjustment", a federal adjustment that
61 remains in effect after the final determination date for such federal
62 adjustment has passed;

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

65 (12) "Indirect partner", a partner in a partnership or pass-
66 through entity, where such partnership or pass-through entity itself
67 holds a direct or indirect interest in another partnership or pass-
68 through entity. A partnership or pass-through entity holds an "indirect
69 interest" in another partnership or pass-through entity where its
70 interest is held through an indirect partner or series of indirect
71 partners;

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

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

76 (15) "Partnership", the same meaning as used in 26 U.S.C.

77 Sections 701 to 771;

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

82 (17) "Pass-through entity", an entity, other than a partnership,
83 that is not subject to tax under section 143.071, section 153.020, chapter
84 148, or a tax on insurance companies or insurance providers imposed
85 by the state of Missouri;

86 (18) "Publicly traded partnership", the same meaning as used in
87 26 U.S.C. Section 7704(b), and any amendments thereto;

88 (19) "Reallocation adjustment", a federal adjustment resulting
89 from a partnership level audit or an administrative adjustment request
90 that changes the shares of one or more items of partnership income,
91 gain, loss, expense, or credit allocated to direct partners. A positive
92 reallocation adjustment means the portion of a reallocation adjustment
93 that would increase federal adjusted gross income or federal taxable
94 income for one or more direct partners, and a negative reallocation
95 adjustment means the portion of a reallocation adjustment that would
96 decrease federal adjusted gross income or federal taxable income for
97 one or more direct partners;

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

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

105 (22) "Taxpayer", any individual or entity subject to a tax in
106 Missouri or a tax-related reporting requirement in Missouri and, unless
107 the context clearly indicates otherwise, includes a partnership subject
108 to a partnership level audit or a partnership that has made an
109 administrative adjustment request, as well as a tiered partner of that
110 partnership;

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

113 (24) "Unrelated business taxable income", the same meaning as

114 defined in 26 U.S.C. Section 512.

115 2. Except in the case of final federal adjustments that are
116 reported and, if applicable, on the basis of which Missouri income tax
117 is paid by a partnership and its partners using the procedures provided
118 under subsections 3 to 9 of this section, final federal adjustments
119 required to be reported for federal purposes under 26 U.S.C. Section
120 6225(a)(2), and changes required to be reported under section 143.601,
121 a taxpayer shall report and pay any Missouri tax due with respect to
122 final federal adjustments arising from an audit or other action by the
123 IRS or reported by the taxpayer on a timely filed amended federal
124 income tax return, including a return or other similar report filed
125 under 26 U.S.C. Section 6225(c)(2), or federal claim for refund, by filing
126 a federal adjustments report with the department of revenue for the
127 reviewed year and, if applicable, paying the additional Missouri tax
128 owed by the taxpayer no later than one hundred eighty days after the
129 final determination date.

130 3. Except for adjustments required to be reported for federal
131 purposes under 26 U.S.C. Section 6225(a)(2), partnerships and partners
132 shall report final federal adjustments arising from a partnership level
133 audit or an administrative adjustment request and make payments as
134 required under subsections 3 to 9 of this section.

135 4. (1) With respect to an action required or permitted to be
136 taken by a partnership under subsections 3 to 9 of this section, a
137 proceeding under section 143.631 for reconsideration by the director of
138 revenue, appeal to the administrative hearing commission, or review
139 by the judiciary with respect to such action, the state partnership
140 representative for the reviewed year shall have the sole authority to
141 act on behalf of the partnership, and the partnership's direct partners
142 and indirect partners shall be bound by those actions.

143 (2) The state partnership representative for the reviewed year
144 is the partnership's federal partnership representative unless the
145 partnership designates in writing another person as its state
146 partnership representative.

147 (3) The department of revenue may establish reasonable
148 qualifications and procedures for designating a person, other than the
149 federal partnership representative, to be the state partnership
150 representative.

151 **(4) The state partnership representative shall be considered an**
152 **authorized representative of the partnership and its partners under**
153 **section 32.057 for the purposes of compliance with this section, or**
154 **participating in a proceeding described in subdivision (1) of this**
155 **section.**

156 **5. Final federal adjustments subject to the requirements of**
157 **subsections 3 to 9 of this section, except for those subject to a properly**
158 **made election under subsection 6 of this section, shall be reported as**
159 **follows:**

160 **(1) No later than ninety days after the final determination date,**
161 **the partnership shall:**

162 **(a) File a completed federal adjustments report with the**
163 **department of revenue, including information as required by the**
164 **department of revenue;**

165 **(b) Notify each of its direct partners of their distributive share**
166 **of the final federal adjustments including information as required by**
167 **the department of revenue;**

168 **(c) Pay any additional amount under section 143.411 that would**
169 **have been due had the final federal adjustments originally been**
170 **reported properly, unless the partnership is a publicly traded**
171 **partnership; and**

172 **(d) If the partnership is a publicly traded partnership, report**
173 **such information as is required by the department of revenue and in**
174 **the manner and format as required by department of revenue**
175 **instruction, including the name, address, and taxpayer identification**
176 **number of each direct partner with income in Missouri which the**
177 **publicly traded partnership can reasonably determine to be:**

178 **a. Six hundred dollars or more if the partner is an individual; or**

179 **b. One hundred dollars or more if the partner is a corporation**
180 **or entity other than an individual;**

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

185 **(a) File a federal adjustments report reporting the distributive**
186 **share of the adjustments reported to them under paragraph (b) of**
187 **subdivision (1) of this subsection; and**

188 **(b) Pay any additional amount of tax due as if final federal**
189 **adjustments had been properly reported, plus any penalty and interest**
190 **due under sections 143.011 to 143.996 or any other provision of law, and**
191 **less any credit for related amounts paid or withheld and remitted on**
192 **behalf of the direct partner. The rate of interest on any amount due**
193 **shall be determined by section 32.068.**

194 **6. (1) Subject to the limitations provided under subdivision (2)**
195 **of this subsection, an audited partnership making an election under**
196 **this subsection shall:**

197 **(a) No later than ninety days after the final determination date,**
198 **file a completed federal adjustments report, including information as**
199 **required by department of revenue, and notify the department of**
200 **revenue that it is making the election under this subsection;**

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

204 **a. Exclude from final federal adjustments the distributive share**
205 **of such adjustments reported to a direct exempt partner not subject to**
206 **tax under sections 143.011 to 143.996;**

207 **b. For the total distributive shares of the remaining final federal**
208 **adjustments reported to direct corporate partners subject to tax under**
209 **section 143.071, and to direct exempt partners subject to tax under**
210 **sections 143.011 to 143.996, apportion and allocate such adjustments as**
211 **provided under section 143.455 if applicable, and multiply the resulting**
212 **amount by the tax rate provided under section 143.071 for direct**
213 **corporate partners and direct exempt partners that are corporations,**
214 **or the top rate of tax under section 143.011 for direct exempt partners**
215 **that are not corporations;**

216 **c. For the total distributive shares of the remaining final federal**
217 **adjustments reported to non-resident direct partners subject to tax**
218 **under sections 143.011 to 143.996, determine the amount of such**
219 **adjustments which is derived from or connected with sources in**
220 **Missouri as described in section 143.421, and multiply the resulting**
221 **amount by the highest rate of tax under section 143.011;**

222 **d. For the total distributive shares of the remaining final federal**
223 **adjustments reported to tiered partners:**

224 **(i) Determine the amount of such adjustments which is of a type**

225 such that it would be subject to sourcing to this state under section
226 143.421; and then determine the portion of such amount that would be
227 sourced to the state under section 143.421;

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

231 (iii) Determine the portion of the amount determined in item (ii)
232 of this subparagraph that can be established, under regulation issued
233 by the department of revenue, to be properly allocable to nonresident
234 indirect partners or other partners not subject to tax on the
235 adjustments;

236 (iv) Multiply the sum of the amounts determined in items (i) and
237 (ii) of this subparagraph, reduced by the amount determined in item
238 (iii) of this subparagraph, by the highest rate of tax under section
239 143.011;

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

244 f. For the total distributive shares of the remaining final federal
245 adjustments reported to direct partners subject to tax under chapter
246 148, section 153.020, or a Missouri tax on insurance companies or
247 insurance providers, apportion and allocate such adjustments in the
248 manner provided by law for such tax, if applicable, and multiply the
249 resulting amount by the tax rate applicable to such direct partner;

250 g. Add the amounts determined under subparagraphs b to f of
251 this paragraph, in addition to any penalty and interest as provided
252 under sections 143.011 to 143.961 or any other provision of law. The
253 rate of interest on any amount due shall be determined by section
254 32.068.

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

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

261 (b) Any final federal adjustments resulting from an

262 administrative adjustment request.

263 (3) An audited partnership not otherwise subject to any
264 reporting or payment obligation to Missouri that makes an election
265 under this subsection consents to be subject to Missouri law related to
266 reporting, assessment, payment, and collection of Missouri tax
267 calculated under this subsection.

268 7. The direct and indirect partners of an audited partnership
269 that are tiered partners, and all of the partners of such tiered partners
270 that are subject to tax under sections 143.011 to 143.961, shall be
271 subject to the reporting and payment requirements of subsection 5 of
272 this section, and such tiered partners shall be entitled to make the
273 election provided under subsection 6 of this section. The tiered
274 partners or their partners shall make required reports and payments
275 no later than ninety days after the time for filing and furnishing
276 statements to tiered partners and their partners as established under
277 26 U.S.C. Section 6226. The department of revenue may promulgate
278 rules to establish procedures and interim time periods for the reports
279 and payments required by tiered partners and their partners, and for
280 making the elections under subsection 6 of this section.

281 8. (1) The election made under subsection 6 of this section shall
282 be irrevocable, unless the director of revenue, in his or her discretion
283 or that of the directors' designee, determines otherwise.

284 (2) If properly reported and paid by the audited partnership or
285 tiered partner, the amount determined under subdivision (2) of
286 subsection 6 of this section shall be treated as paid in lieu of taxes
287 owed by its direct and indirect partners, to the extent applicable, on
288 the same final federal adjustments. The direct partners or indirect
289 partners shall not take any deduction or credit on the determined
290 amount, or claim a refund of such amount in this state. Nothing in this
291 subsection shall preclude a direct resident partner from claiming a
292 credit against the tax otherwise due to this state under section 143.081,
293 or any amounts paid by the audited partnership or tiered partner on
294 the resident partner's behalf to another state or local tax jurisdiction
295 in accordance with the provisions of section 143.081.

296 9. Nothing in subsections 3 to 9 of this section shall be construed
297 to prevent the department of revenue from assessing direct partners or
298 indirect partners for taxes owed by such partners, using the best

299 information available, in the event that a partnership or tiered partner
300 fails to timely make any report or payment required under subsections
301 3 to 9 of this section for any reason.

302 10. The department of revenue shall assess additional tax,
303 interest, additions to tax, and penalties arising from final federal
304 adjustments arising from an audit by the IRS, including a partnership
305 level audit, or reported by the taxpayer on an amended federal income
306 tax return, or as part of an administrative adjustment request by no
307 later than the latest of the following dates:

308 (1) If a taxpayer files with the department of revenue a federal
309 adjustments report or an amended Missouri tax return as required
310 within the period provided under subsections 2 to 9 of this section, the
311 department of revenue shall assess any amounts, including taxes,
312 interest, additions to tax, and penalties arising from such federal
313 adjustments if the department of revenue issues a notice of the
314 assessment to the taxpayer no later than:

315 (a) The expiration of the limitations period provided under
316 section 143.711; or

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

319 (2) If the taxpayer fails to file the federal adjustments report
320 within the period provided under subsections 2 to 9 of this section, as
321 appropriate, or the federal adjustments report filed by the taxpayer
322 omits final federal adjustments or understates the correct amount of
323 tax owed, the department of revenue shall assess amounts or additional
324 amounts including taxes, interest, additions to tax, and penalties
325 arising from the final federal adjustments, if it mails a notice of the
326 assessment to the taxpayer by a date which is the latest of the
327 following:

328 (a) The expiration of the limitations period provided under
329 section 143.711;

330 (b) The expiration of the one year period following the date the
331 federal adjustments report was filed with the department of revenue;
332 or

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

335 11. A taxpayer may make estimated payments to the department

336 of revenue of the Missouri tax expected to result from a pending IRS
337 audit, prior to the due date of the federal adjustments report, without
338 having to file such report with the department of revenue. The
339 estimated tax payments shall be credited against any tax liability
340 ultimately found to be due to Missouri and shall limit the accrual of
341 further interest on such amount. If the estimated tax payments exceed
342 the final tax liability and interest ultimately determined to be due, the
343 taxpayer shall be entitled to a refund or credit for the excess, provided
344 the taxpayer files a federal adjustments report or claim for refund or
345 credit of tax under section 143.781 or 143.821 no later than one year
346 following the final determination date.

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

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

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

358 The federal adjustments report shall serve as the means for the
359 taxpayer to report additional tax due, report a claim for refund or
360 credit of tax, and make other adjustments resulting from adjustments
361 to the taxpayer's federal taxable income.

362 13. (1) Unless otherwise agreed in writing by the taxpayer and
363 the department of revenue, any adjustments by the department or by
364 the taxpayer made after the expiration of the appropriate limitations
365 period provided under section 143.711 or 143.801 shall be limited to
366 changes to the taxpayer's tax liability arising from federal adjustments.

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

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

372 (b) By written agreement between the taxpayer and the

373 department of revenue.

374 (3) Any extension granted under this subsection for filing the
375 federal adjustments report extends the last day prescribed by law for
376 assessing any additional tax arising from the adjustments to federal
377 taxable income and the period for filing a claim for refund or credit of
378 taxes under section 143.781 or 143.821.

379 14. The department of revenue shall promulgate rules to
380 implement the provisions of this section. Any rule or portion of a rule,
381 as that term is defined in section 536.010, that is created under the
382 authority delegated in this section shall become effective only if it
383 complies with and is subject to all of the provisions of chapter 536 and,
384 if applicable, section 536.028. This section and chapter 536 are
385 nonseverable and if any of the powers vested with the general assembly
386 pursuant to chapter 536 to review, to delay the effective date, or to
387 disapprove and annul a rule are subsequently held unconstitutional,
388 then the grant of rulemaking authority and any rule proposed or
389 adopted after August 28, 2020, shall be invalid and void.

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

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

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

14 3. (1) In the case of a specified terrorist victim, the tax imposed
15 pursuant to this chapter shall not apply:

16 (a) With respect to the taxable year in which falls the date of

17 **death; and**

18 **(b) With respect to any prior taxable year in the period**
19 **beginning with the last taxable year ending before the taxable year in**
20 **which the wounds or injury were incurred from an attack as described**
21 **in subdivision (3) of this subsection.**

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

27 **(3) The provisions of subsection 1 of section 143.801 shall not**
28 **apply to claims for a refund made pursuant to this subsection.**

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

31 **(a) As a result of wounds or injury incurred as a result of the**
32 **terrorist attacks against the United States on September 11, 2001; or**

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

36 **Such term shall not include any individual identified by the Attorney**
37 **General of the United States to have been a participant or conspirator**
38 **in any such attack or a representative of such an individual.**

144.757. 1. Any county or municipality, except municipalities within a
2 county having a charter form of government with a population in excess of nine
3 hundred thousand, may, by a majority vote of its governing body, impose a local
4 use tax if a local sales tax is imposed as defined in section 32.085 at a rate equal
5 to the rate of the local sales tax in effect in such county or municipality; provided,
6 however, that no ordinance or order enacted pursuant to sections 144.757 to
7 144.761 shall be effective unless the governing body of the county or municipality
8 submits to the voters thereof at a municipal, county or state general, primary or
9 special election a proposal to authorize the governing body of the county or
10 municipality to impose a local use tax pursuant to sections 144.757 to
11 144.761. Municipalities within a county having a charter form of government
12 with a population in excess of nine hundred thousand may, upon voter approval
13 received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this
14 section, impose a local use tax at the same rate as the local municipal sales tax

15 with the revenues from all such municipal use taxes to be distributed pursuant
16 to subsection 4 of section 94.890. The municipality shall within thirty days of the
17 approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of
18 subsection 2 of this section select one of the distribution options permitted in
19 subsection 4 of section 94.890 for distribution of all municipal use taxes.

20 2. (1) The ballot of submission, except for counties and municipalities
21 described in subdivisions (2) and (3) of this subsection, shall contain substantially
22 the following language:

23 Shall the _____ (county or municipality's name) impose a local use
24 tax at the same rate as the total local sales tax rate, [currently
25 _____ (insert percent),] provided that if the local sales tax rate is
26 reduced or raised by voter approval, the local use tax rate shall
27 also be reduced or raised by the same action? [A use tax return
28 shall not be required to be filed by persons whose purchases from
29 out-of-state vendors do not in total exceed two thousand dollars in
30 any calendar year.] **Approval of this question will eliminate
31 the disparity in tax rates collected by local and out-of-state
32 sellers by imposing the same rate on all sellers.**

33 YES NO

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

37 (2) (a) The ballot of submission in a county having a charter form of
38 government with a population in excess of nine hundred thousand shall contain
39 substantially the following language:

40 For the purposes of enhancing county and municipal public safety,
41 parks, and job creation and enhancing local government services,
42 shall the county be authorized to collect a local use tax equal to the
43 total of the existing county sales tax rate [of (insert tax rate)],
44 provided that if the county sales tax is repealed, reduced or raised
45 by voter approval, the local use tax rate shall also be repealed,
46 reduced or raised by the same voter action? Fifty percent of the
47 revenue shall be used by the county throughout the county for
48 improving and enhancing public safety, park improvements, and
49 job creation, and fifty percent shall be used for enhancing local
50 government services. The county shall be required to make

51 available to the public an audited comprehensive financial report
 52 detailing the management and use of the countywide portion of the
 53 funds each year.

54 A use tax is the equivalent of a sales tax on purchases from
 55 out-of-state sellers by in-state buyers and on certain taxable
 56 business transactions. [A use tax return shall not be required to
 57 be filed by persons whose purchases from out-of-state vendors do
 58 not in total exceed two thousand dollars in any calendar year.]

59 **Approval of this question will eliminate the disparity in**
 60 **tax rates collected by local and out-of-state sellers by**
 61 **imposing the same rate on all sellers.**

62 YES NO

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

66 (b) The ballot of submission in a municipality within a county having a
 67 charter form of government with a population in excess of nine hundred thousand
 68 shall contain substantially the following language:

69 Shall the municipality be authorized to impose a local use tax at
 70 the same rate as the local sales tax by a vote of the governing body,
 71 provided that if any local sales tax is repealed, reduced or raised
 72 by voter approval, the respective local use tax shall also be
 73 repealed, reduced or raised by the same action? [A use tax return
 74 shall not be required to be filed by persons whose purchases from
 75 out-of-state vendors do not in total exceed two thousand dollars in
 76 any calendar year.] **Approval of this question will eliminate**
 77 **the disparity in tax rates collected by local and out-of-state**
 78 **sellers by imposing the same rate on all sellers.**

79 YES NO

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

83 (3) The ballot of submission in any city not within a county shall contain
 84 substantially the following language:

85 Shall the _____ (city name) impose a local use tax at the same rate
 86 as the local sales tax, [currently at a rate of _____ (insert

87 percent)] which includes the capital improvements sales tax and
88 the transportation tax, provided that if any local sales tax is
89 repealed, reduced or raised by voter approval, the respective local
90 use tax shall also be repealed, reduced or raised by the same
91 action? [A use tax return shall not be required to be filed by
92 persons whose purchases from out-of-state vendors do not in total
93 exceed two thousand dollars in any calendar year.] **Approval of**
94 **this question will eliminate the disparity in tax rates**
95 **collected by local and out-of-state sellers by imposing the**
96 **same rate on all sellers.**

97 YES NO

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

101 (4) If any of such ballots are submitted on August 6, 1996, and if a
102 majority of the votes cast on the proposal by the qualified voters voting thereon
103 are in favor of the proposal, then the ordinance or order and any amendments
104 thereto shall be in effect October 1, 1996, provided the director of revenue
105 receives notice of adoption of the local use tax on or before August 16, 1996. If
106 any of such ballots are submitted after December 31, 1996, and if a majority of
107 the votes cast on the proposal by the qualified voters voting thereon are in favor
108 of the proposal, then the ordinance or order and any amendments thereto shall
109 be in effect on the first day of the calendar quarter which begins at least
110 forty-five days after the director of revenue receives notice of adoption of the local
111 use tax. If a majority of the votes cast by the qualified voters voting are opposed
112 to the proposal, then the governing body of the county or municipality shall have
113 no power to impose the local use tax as herein authorized unless and until the
114 governing body of the county or municipality shall again have submitted another
115 proposal to authorize the governing body of the county or municipality to impose
116 the local use tax and such proposal is approved by a majority of the qualified
117 voters voting thereon.

118 3. The local use tax may be imposed at the same rate as the local sales
119 tax then currently in effect in the county or municipality upon all transactions
120 which are subject to the taxes imposed pursuant to sections 144.600 to 144.745
121 within the county or municipality adopting such tax; provided, however, that if
122 any local sales tax is repealed or the rate thereof is reduced or raised by voter

123 approval, the local use tax rate shall also be deemed to be repealed, reduced or
124 raised by the same action repealing, reducing or raising the local sales tax.

125 4. For purposes of sections 144.757 to 144.761, the use tax may be
126 referred to or described as the equivalent of a sales tax on purchases made from
127 out-of-state sellers by in-state buyers and on certain intrabusiness
128 transactions. Such a description shall not change the classification, form or
129 subject of the use tax or the manner in which it is collected.

205.202. 1. The governing body of any hospital district established under
2 sections 205.160 to 205.379 in any county of the third classification without a
3 township form of government and with more than thirteen thousand five hundred
4 but fewer than thirteen thousand six hundred inhabitants may, by resolution,
5 abolish the property tax levied in such district under this chapter and impose a
6 sales tax on all retail sales made within the district which are subject to sales tax
7 under chapter 144. The tax authorized in this section shall be not more than one
8 percent, and shall be imposed solely for the purpose of funding the hospital
9 district. The tax authorized in this section shall be in addition to all other sales
10 taxes imposed by law, and shall be stated separately from all other charges and
11 taxes.

12 2. No such resolution adopted under this section shall become effective
13 unless the governing body of the hospital district submits to the voters residing
14 within the district at a state general, primary, or special election a proposal to
15 authorize the governing body of the district to impose a tax under this section. If
16 a majority of the votes cast on the question by the qualified voters voting thereon
17 are in favor of the question, then the tax shall become effective on the first day
18 of the second calendar quarter after the director of revenue receives notification
19 of adoption of the local sales tax. If a majority of the votes cast on the question
20 by the qualified voters voting thereon are opposed to the question, then the tax
21 shall not become effective unless and until the question is resubmitted under this
22 section to the qualified voters and such question is approved by a majority of the
23 qualified voters voting on the question.

24 3. All revenue collected under this section by the director of the
25 department of revenue on behalf of the hospital district, except for one percent
26 for the cost of collection which shall be deposited in the state's general revenue
27 fund, shall be deposited in a special trust fund, which is hereby created and shall
28 be known as the "Hospital District Sales Tax Fund", and shall be used solely for
29 the designated purposes. Moneys in the fund shall not be deemed to be state

30 funds, and shall not be commingled with any funds of the state. The director may
31 make refunds from the amounts in the fund and credited to the district for
32 erroneous payments and overpayments made, and may redeem dishonored checks
33 and drafts deposited to the credit of such district. Any funds in the special fund
34 which are not needed for current expenditures shall be invested in the same
35 manner as other funds are invested. Any interest and moneys earned on such
36 investments shall be credited to the fund.

37 4. The governing body of any hospital district that has adopted the sales
38 tax authorized in this section may submit the question of repeal of the tax to the
39 voters on any date available for elections for the district. If a majority of the
40 votes cast on the question by the qualified voters voting thereon are in favor of
41 the repeal, that repeal shall become effective on December thirty-first of the
42 calendar year in which such repeal was approved. If a majority of the votes cast
43 on the question by the qualified voters voting thereon are opposed to the repeal,
44 then the sales tax authorized in this section shall remain effective until the
45 question is resubmitted under this section to the qualified voters and the repeal
46 is approved by a majority of the qualified voters voting on the question.

47 5. Whenever the governing body of any hospital district that has adopted
48 the sales tax authorized in this section receives a petition, signed by a number
49 of registered voters of the district equal to at least ten percent of the number of
50 registered voters of the district voting in the last gubernatorial election, calling
51 for an election to repeal the sales tax imposed under this section, the governing
52 body shall submit to the voters of the district a proposal to repeal the tax. If a
53 majority of the votes cast on the question by the qualified voters voting thereon
54 are in favor of the repeal, the repeal shall become effective on December
55 thirty-first of the calendar year in which such repeal was approved. If a majority
56 of the votes cast on the question by the qualified voters voting thereon are
57 opposed to the repeal, then the sales tax authorized in this section shall remain
58 effective until the question is resubmitted under this section to the qualified
59 voters and the repeal is approved by a majority of the qualified voters voting on
60 the question.

61 6. If the tax is repealed or terminated by any means **other than by a**
62 **dissolution of a hospital district as described in subsection 7 of this**
63 **section**, all funds remaining in the special trust fund shall continue to be used
64 solely for the designated purposes, and the hospital district shall notify the
65 director of the department of revenue of the action at least ninety days before the

66 effective date of the repeal and the director may order retention in the trust fund,
67 for a period of one year, of two percent of the amount collected after receipt of
68 such notice to cover possible refunds or overpayment of the tax and to redeem
69 dishonored checks and drafts deposited to the credit of such accounts. After one
70 year has elapsed after the effective date of abolition of the tax in such district,
71 the director shall remit the balance in the account to the district and close the
72 account of that district. The director shall notify each district of each instance
73 of any amount refunded or any check redeemed from receipts due the district.

74 **7. Upon the dissolution of a hospital district levying a sales tax**
75 **pursuant to this section, the sales tax shall be automatically repealed**
76 **and all funds remaining in the special trust fund shall be distributed**
77 **as follows:**

78 **(1) Twenty-five percent shall be distributed to the county public**
79 **health center established pursuant to sections 205.010 to 205.150; and**

80 **(2) Seventy-five percent shall be distributed to a federally**
81 **qualified health center, as defined in 42 U.S.C. Section 1396d(l)(1) and**
82 **(2), located in the county.**

321.552. 1. Except in any county of the first classification with over two
2 hundred thousand inhabitants, or any county of the first classification without
3 a charter form of government and with more than seventy-three thousand seven
4 hundred but less than seventy-three thousand eight hundred inhabitants; or any
5 county of the first classification without a charter form of government and with
6 more than one hundred eighty-four thousand but less than one hundred
7 eighty-eight thousand inhabitants; or any county with a charter form of
8 government with over one million inhabitants; or any county with a charter form
9 of government with over two hundred eighty thousand inhabitants but less than
10 three hundred thousand inhabitants, the governing body of any ambulance or fire
11 protection district may impose a sales tax in an amount up to [one-half of] one
12 percent on all retail sales made in such ambulance or fire protection district
13 which are subject to taxation pursuant to the provisions of sections 144.010 to
14 144.525 provided that such sales tax shall be accompanied by a reduction in the
15 district's tax rate as defined in section 137.073. The tax authorized by this
16 section shall be in addition to any and all other sales taxes allowed by law, except
17 that no sales tax imposed pursuant to the provisions of this section shall be
18 effective unless the governing body of the ambulance or fire protection district
19 submits to the voters of such ambulance or fire protection district, at a municipal

20 or state general, primary or special election, a proposal to authorize the governing
21 body of the ambulance or fire protection district to impose a tax pursuant to this
22 section.

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

25 Shall _____ (insert name of ambulance or fire protection district)
26 impose a sales tax of _____ (insert amount up to [one-half) of] one
27 percent) for the purpose of providing revenues for the operation of
28 the _____ (insert name of ambulance or fire protection district)
29 and the total property tax levy on properties in the _____ (insert
30 name of the ambulance or fire protection district) shall be reduced
31 annually by an amount which reduces property tax revenues by an
32 amount equal to fifty percent of the previous year's revenue
33 collected from this sales tax?

34 YES NO

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

38 3. If a majority of the votes cast on the proposal by the qualified voters
39 voting thereon are in favor of the proposal, then the sales tax authorized in this
40 section shall be in effect and the governing body of the ambulance or fire
41 protection district shall lower the level of its tax rate by an amount which reduces
42 property tax revenues by an amount equal to fifty percent of the amount of sales
43 tax collected in the preceding year. If a majority of the votes cast by the qualified
44 voters voting are opposed to the proposal, then the governing body of the
45 ambulance or fire protection district shall not impose the sales tax authorized in
46 this section unless and until the governing body of such ambulance or fire
47 protection district resubmits a proposal to authorize the governing body of the
48 ambulance or fire protection district to impose the sales tax authorized by this
49 section and such proposal is approved by a majority of the qualified voters voting
50 thereon.

51 4. All revenue received by a district from the tax authorized pursuant to
52 this section shall be deposited in a special trust fund, and be used solely for the
53 purposes specified in the proposal submitted pursuant to this section for so long
54 as the tax shall remain in effect.

55 5. All sales taxes collected by the director of revenue pursuant to this

56 section, less one percent for cost of collection which shall be deposited in the
57 state's general revenue fund after payment of premiums for surety bonds as
58 provided in section 32.087, shall be deposited in a special trust fund, which is
59 hereby created, to be known as the "Ambulance or Fire Protection District Sales
60 Tax Trust Fund". The moneys in the ambulance or fire protection district sales
61 tax trust fund shall not be deemed to be state funds and shall not be commingled
62 with any funds of the state. The director of revenue shall keep accurate records
63 of the amount of money in the trust and the amount collected in each district
64 imposing a sales tax pursuant to this section, and the records shall be open to
65 inspection by officers of the county and to the public. Not later than the tenth
66 day of each month the director of revenue shall distribute all moneys deposited
67 in the trust fund during the preceding month to the governing body of the district
68 which levied the tax; such funds shall be deposited with the board treasurer of
69 each such district.

70 6. The director of revenue may make refunds from the amounts in the
71 trust fund and credit any district for erroneous payments and overpayments
72 made, and may redeem dishonored checks and drafts deposited to the credit of
73 such district. If any district abolishes the tax, the district shall notify the
74 director of revenue of the action at least ninety days prior to the effective date of
75 the repeal and the director of revenue may order retention in the trust fund, for
76 a period of one year, of two percent of the amount collected after receipt of such
77 notice to cover possible refunds or overpayment of the tax and to redeem
78 dishonored checks and drafts deposited to the credit of such accounts. After one
79 year has elapsed after the effective date of abolition of the tax in such district,
80 the director of revenue shall remit the balance in the account to the district and
81 close the account of that district. The director of revenue shall notify each
82 district of each instance of any amount refunded or any check redeemed from
83 receipts due the district.

84 7. Except as modified in this section, all provisions of sections 32.085 and
85 32.087 shall apply to the tax imposed pursuant to this section.

86 **8. The governing body of any ambulance or fire protection**
87 **district authorized to levy a sales tax pursuant to this section shall:**

88 **(1) Submit the question of an increase in the rate of the sales tax**
89 **to the voters on a general election day not earlier than the 2022 general**
90 **election; and**

91 **(2) Include information on the ambulance or fire protection**

92 **district website, if available, on the tax rate and the purposes for which**
93 **the tax is levied.**

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

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

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

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

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

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

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

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

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

20 (3) A firm which is not subject to the requirements of subdivisions (1) or
21 (2) of this subsection may perform other nonattest or noncompilation services
22 while using the title "CPA" or "CPA firm" in this state without a permit issued
23 under this section only if it:

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

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

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

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

31 a. Sole proprietorships;

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

35 c. General partnerships not operating as a limited liability partnership;
36 or

37 d. Foreign professional corporations which do not meet criteria of chapter
38 356 due to name or ownership, shall obtain a certificate of authority as a general
39 corporation. Notwithstanding the provisions of chapter 356, the secretary of state
40 may issue a certificate of authority to a foreign professional corporation which
41 does not meet the criteria of chapter 356 due to name or ownership, if the
42 corporation meets the requirements of this section and the rules of the board.

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

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

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

50 (1) A simple majority of the ownership of the firm, in terms of financial
51 interests and voting rights of all partners, officers, principals, shareholders,
52 members or managers, belongs to licensees who are licensed in some state, and
53 the partners, officers, principals, shareholders, members or managers, whose
54 principal place of business is in this state and who perform professional services
55 in this state are licensees under section 326.280 or the corresponding provision
56 of prior law. Although firms may include nonlicensee owners, the firm and its
57 ownership shall comply with rules promulgated by the board;

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

60 (a) The firm designates a licensee of this state, or in the case of a firm
61 which must have a permit under this section designates a licensee of another
62 state who meets the requirements of section 326.283, who is responsible for the
63 proper registration of the firm and identifies that individual to the board;

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

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

67 (d) The firm complies with other requirements as the board may impose
68 by rule;

69 (3) Any licensee who is responsible for supervising attest services, or signs
70 or authorizes someone to sign the licensee's report on the financial statements on

71 behalf of the firm, shall meet competency requirements as determined by the
72 board by rule which shall include one year of experience in addition to the
73 experience required under subdivision (6) of subsection 1 of section 326.280 and
74 shall be verified by a licensee. The additional experience required by this
75 subsection shall include experience in attest work supervised by a licensee.

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

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

82 (1) The legal form of the firm;

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

85 (3) Any other matter.

86 The names of one or more former partners, members or shareholders may be
87 included in the name of a firm or its successor unless the firm becomes a sole
88 proprietorship because of the death or withdrawal of all other partners, officers,
89 members or shareholders. A firm may use a fictitious name if the fictitious name
90 is registered with the board and is not otherwise misleading. The name of a firm
91 shall not include the name or initials of an individual who is not a present or a
92 past partner, member or shareholder of the firm or its predecessor. The name of
93 the firm shall not include the name of an individual who is not a licensee.

94 7. Applicants for initial issuance or renewal of permits shall list in their
95 application all states in which they have applied for or hold permits as certified
96 public accounting firms and list any past denial, revocation, suspension or any
97 discipline of a permit by any other state. Each holder of or applicant for a permit
98 under this section shall notify the board in writing within thirty days after its
99 occurrence of any change in the identities of partners, principals, officers,
100 shareholders, members or managers whose principal place of business is in this
101 state; any change in the number or location of offices within this state; any
102 change in the identity of the persons in charge of such offices; and any issuance,
103 denial, revocation, suspension or any discipline of a permit by any other state.

104 8. Firms which fall out of compliance with the provisions of this section
105 due to changes in firm ownership or personnel after receiving or renewing a
106 permit shall take corrective action to bring the firm back into compliance as

107 quickly as possible. The board may grant a reasonable period of time for a firm
108 to take such corrective action. Failure to bring the firm back into compliance
109 within a reasonable period as defined by the board may result in the suspension
110 or revocation of the firm permit.

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

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

122 (2) May require, with respect to peer reviews, that peer reviews be subject
123 to oversight by an oversight body established or sanctioned by board rule, which
124 shall periodically report to the board on the effectiveness of the review program
125 under its charge and provide to the board a listing of firms that have participated
126 in a peer review program that is satisfactory to the board; and

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

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

136 11. **Notwithstanding any other provision in this section, the**
137 **board may obtain the following information regarding peer review from**
138 **any approved American Institute for Certified Public Accountants peer**
139 **review program:**

140 (1) **The firm's name and address;**

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

142 (3) **The date of acceptance and the period covered by the firm's**

143 **most recently accepted peer review; and**

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

146 **12.** In connection with proceedings before the board or upon receipt of a
147 complaint involving the licensee performing peer reviews, the board shall not
148 have access to any documents furnished or generated in the course of the
149 performance of the peer reviews except for peer review reports, letters of comment
150 and summary review memoranda. The documents shall be furnished to the board
151 only in a redacted manner that does not specifically identify any firm or licensee
152 being peer reviewed or any of their clients.

153 **[12.] 13.** The peer review processes shall be operated and the documents
154 generated thereby be maintained in a manner designed to preserve their
155 confidentiality. No third party, other than the oversight body, the board, subject
156 to the provisions of subsection **[11] 12** of this section, or the organization
157 performing peer review shall have access to documents furnished or generated in
158 the course of the review. All documents shall be privileged and closed records for
159 all purposes and all meetings at which the documents are discussed shall be
160 considered closed meetings under subdivision (1) of section 610.021. The
161 proceedings, records and workpapers of the board and any peer review subjected
162 to the board process shall be privileged and shall not be subject to discovery,
163 subpoena or other means of legal process or introduction into evidence at any civil
164 action, arbitration, administrative proceeding or board proceeding. No member
165 of the board or person who is involved in the peer review process shall be
166 permitted or required to testify in any civil action, arbitration, administrative
167 proceeding or board proceeding as to any matters produced, presented, disclosed
168 or discussed during or in connection with the peer review process or as to any
169 findings, recommendations, evaluations, opinions or other actions of such
170 committees or any of its members; provided, however, that information,
171 documents or records that are publicly available shall not be subject to discovery
172 or use in any civil action, arbitration, administrative proceeding or board
173 proceeding merely because they were presented or considered in connection with
174 the peer review process.

347.044. 1. Every limited liability company organized pursuant
2 to this chapter and every foreign limited liability company registered
3 in this state shall file an information statement with the secretary of
4 state.

5 **2. The information statement shall include:**

6 **(1) The name of the limited liability company or foreign limited**
7 **liability company;**

8 **(2) The company charter number assigned by the secretary of**
9 **state;**

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

11 **(4) The address, including street and number, if any, of the**
12 **registered office and the name of the registered agent at such office;**
13 **and**

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

16 **3. The information statement shall be current as of the date the**
17 **statement is filed with the secretary of state.**

18 **4. The limited liability company or foreign limited liability**
19 **company shall file an information statement every five years, and the**
20 **information statement shall be due on the fifteenth day of the month in**
21 **which the anniversary of the date the limited liability company or**
22 **foreign limited liability company organized or registered in Missouri**
23 **occurs. For limited liability companies and foreign limited liability**
24 **companies that organized or registered in an odd-numbered year before**
25 **January 1, 2021, the first information statement shall be due in**
26 **2024. For limited liability companies and foreign limited liability**
27 **companies that organized or registered in an even-numbered year**
28 **before January 1, 2020, the first information statement shall be due in**
29 **2023.**

30 **5. The information statement shall be signed by an authorized**
31 **person.**

32 **6. If the information statement does not contain the information**
33 **required under this section, the secretary of state shall promptly notify**
34 **the limited liability company or foreign limited liability company and**
35 **return the information statement for completion. The entity shall**
36 **return the completed information statement to the secretary within**
37 **sixty days of the issuance of the notice.**

38 **7. Ninety days before the statement is due, the secretary of state**
39 **shall send notice to each limited liability company or foreign limited**
40 **liability company that the information statement is due. The notice**
41 **shall be directed to the limited liability company's registered office as**

42 **stated in the company's most recent filing with the secretary of state.**

347.179. 1. The secretary shall charge and collect:

2 (1) For filing the original articles of organization, a fee of [one hundred]
3 **ninety-five** dollars;

4 (2) For filing the original articles of organization online, in an electronic
5 format prescribed by the secretary of state, a fee of [forty-five] **thirty-five**
6 dollars;

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

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

13 (5) Articles of termination of limited liability companies or cancellation
14 of registration of foreign limited liability companies, a fee of twenty dollars **or,**
15 **if filed online in an electronic format prescribed by the secretary, a fee**
16 **of ten dollars;**

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

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

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

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

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

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

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

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

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

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

39 **(16) For filing an information statement for a domestic or foreign**
40 **limited liability company, a fee of fifteen dollars or, if filing online in**
41 **an electronic format prescribed by the secretary, a fee of five dollars;**
42 **and**

43 **(17) For filing a withdrawal of an erroneously or accidentally**
44 **filed notice of winding up or articles of termination, a fee of ninety-five**
45 **dollars.**

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

347.183. In addition to the other powers of the secretary established in
2 sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to
3 enable the secretary to administer sections 347.010 to 347.187 efficiently and to
4 perform the secretary's duties, have the following powers including, but not
5 limited to:

6 (1) The power to examine the books and records of any limited liability
7 company to which sections 347.010 to 347.187 apply, and it shall be the duty of
8 any manager, member or agent of such limited liability company having
9 possession or control of such books and records to produce such books and records
10 for examination on demand of the secretary or his designated employee; except
11 that no person shall be subject to any criminal prosecution on account of any
12 matter or thing which may be disclosed by examination of any limited liability
13 company books and records, which they may produce or exhibit for examination;
14 or on account of any other matter or thing concerning which they may make any
15 voluntary and truthful statement in writing to the secretary or his designated
16 employee. All facts obtained in the examination of the books and records of any
17 limited liability company, or through the voluntary sworn statement of any
18 manager, member, agent or employee of any limited liability company, shall be
19 treated as confidential, except insofar as official duty may require the disclosure
20 of same, or when such facts are material to any issue in any legal proceeding in

21 which the secretary or his designated employee may be a party or called as
22 witness, and, if the secretary or his designated employee shall, except as provided
23 in this subdivision, disclose any information relative to the private accounts,
24 affairs, and transactions of any such limited liability company, he shall be guilty
25 of a class C misdemeanor. If any manager, member or registered agent in
26 possession or control of such books and records of any such limited liability
27 company shall refuse a demand of the secretary or his designated employee, to
28 exhibit the books and records of such limited liability company for examination,
29 such person shall be guilty of a class B misdemeanor;

30 (2) The power to cancel or disapprove any articles of organization or other
31 filing required under sections 347.010 to 347.187, if the limited liability company
32 fails to comply with the provisions of sections 347.010 to 347.187 by failing to file
33 required documents under sections 347.010 to 347.187, by failing to maintain a
34 registered agent, by failing to pay the required filing fees, by using fraud or
35 deception in effecting any filing, by filing a required document containing a false
36 statement, or by violating any section or sections of the criminal laws of Missouri,
37 the federal government or any other state of the United States. Thirty days
38 before such cancellation shall take effect, the secretary shall notify the limited
39 liability company with written notice, either personally or by certified mail,
40 deposited in the United States mail in a sealed envelope addressed to such
41 limited liability company's last registered agent in office, or to one of the limited
42 liability company's members or managers. Written notice of the secretary's
43 proposed cancellation to the limited liability company, domestic or foreign, shall
44 specify the reasons for such action. The limited liability company may appeal
45 this notice of proposed cancellation to the circuit court of the county in which the
46 registered office of such limited liability company is or is proposed to be situated
47 by filing with the clerk of such court a petition setting forth a copy of the articles
48 of organization or other relevant documents and a copy of the proposed written
49 cancellation thereof by the secretary, such petition to be filed within thirty days
50 after notice of such cancellation shall have been given, and the matter shall be
51 tried by the court, and the court shall either sustain the action of the secretary
52 or direct him to take such action as the court may deem proper. An appeal from
53 the circuit court in such a case shall be allowed as in civil action. The limited
54 liability company may provide information to the secretary that would allow the
55 secretary to withdraw the notice of proposed cancellation. This information may
56 consist of, but need not be limited to, corrected statements and documents, new

57 filings, affidavits and certified copies of other filed documents;

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

60 (a) The affected limited liability company provides the necessary
61 documents and affidavits indicating the limited liability company has corrected
62 the conditions causing the proposed cancellation or the cancellation; or

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

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

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

71 a. Articles of organization if the limited liability company's period of
72 duration stated in articles of organization expires **or if the limited liability**
73 **company fails to timely file its information statement; or**

74 b. **The registration of a foreign limited liability company if the**
75 **foreign limited liability company fails to timely file its information**
76 **statement.**

77 (b) Not less than thirty days before such administrative cancellation shall
78 take effect, the secretary shall notify the **domestic or foreign** limited liability
79 company with written notice, either personally or by mail. If mailed, the notice
80 shall be deemed delivered five days after it is deposited in the United States mail
81 in a sealed envelope addressed to such limited liability company's last registered
82 agent and office or to one of the limited liability company's managers or members.

83 (c) If the limited liability company does not timely file an articles of
84 amendment in accordance with section 347.041 to extend the duration of the
85 limited liability company, which may be any number of years or perpetual, or
86 demonstrate to the reasonable satisfaction of the secretary that the period of
87 duration determined by the secretary is incorrect, within sixty days after service
88 of the notice is perfected by posting with the United States Postal Service, then
89 the secretary shall cancel the articles of organization by signing an
90 administrative cancellation that recites the grounds for cancellation and its
91 effective date. The secretary shall file the original of the administrative
92 cancellation and serve a copy on the limited liability company as provided in

93 section 347.051.

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

98 (e) The administrative cancellation of an articles of organization does not
99 terminate the authority of its registered agent.

100 **(f) If a limited liability company does not timely file an**
101 **information statement in accordance with section 347.044 within sixty**
102 **days after service of the notice is perfected by posting with the United**
103 **States Postal Service or fails to demonstrate to the reasonable**
104 **satisfaction of the secretary that the information statement was timely**
105 **filed, the secretary shall cancel the articles of organization by signing**
106 **an administrative cancellation that states the grounds for cancellation**
107 **and the effective date of the cancellation. The secretary shall file the**
108 **original administrative cancellation and serve a copy to the limited**
109 **liability company as provided under section 347.051.**

110 **(g) If a foreign limited liability company does not timely file an**
111 **information statement in accordance with section 347.044 within sixty**
112 **days after service of the notice is perfected by posting with the United**
113 **States Postal Service or fails to demonstrate to the reasonable**
114 **satisfaction of the secretary that the information statement was timely**
115 **filed, the secretary shall cancel the registration of the foreign limited**
116 **liability company by signing an administrative cancellation that states**
117 **the grounds for cancellation and the effective date of the**
118 **cancellation. The secretary shall file the original administrative**
119 **cancellation and serve a copy to the foreign limited liability company**
120 **as provided in section 347.051. A foreign limited liability company**
121 **whose registration has been administratively cancelled may continue**
122 **its existence but shall not conduct any business in this state except to**
123 **wind up and liquidate its business and affairs in this state.**

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

126 (b) Except as otherwise provided in the operating agreement, a limited
127 liability company whose articles of organization has been administratively
128 cancelled under subdivision (5) of this section may file an articles of amendment
129 in accordance with section 347.041 to extend the duration of the limited liability

130 company, which may be any number or perpetual.

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

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

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

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

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

145 (d) If the secretary determines that the application contains the
146 information and is accompanied by the fees required in paragraph (c) of this
147 subdivision and that the information and fees are correct, the secretary shall
148 rescind the cancellation and prepare a certificate of reinstatement that recites his
149 or her determination and the effective date of reinstatement, file the original
150 articles of organization, and serve a copy on the limited liability company as
151 provided in section 347.051.

152 (e) When the reinstatement is effective, it shall relate back to and take
153 effect as of the effective date of the administrative cancellation of the articles of
154 organization and the limited liability company may continue carrying on its
155 business as if the administrative cancellation had never occurred.

156 (f) In the event the name of the limited liability company was reissued by
157 the secretary to another entity prior to the time application for reinstatement was
158 filed, the limited liability company applying for reinstatement may elect to
159 reinstate using a new name that complies with the requirements of section
160 347.020 and that has been approved by appropriate action of the limited liability
161 company for changing the name thereof.

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

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

168 [(7)] **(i) This subdivision [(6) of this section] shall apply to any limited**
169 **liability company whose articles of organization was cancelled because such**
170 **limited liability company's period of duration stated in the articles of organization**
171 **expired on or after August 28, 2003.**

172 **(7) The power to rescind an administrative cancellation and**
173 **reinstate the registration of a foreign limited liability company. The**
174 **following procedures apply:**

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

178 **a. State the name of the foreign limited liability company and**
179 **the date of the administrative cancellation;**

180 **b. State that the grounds for cancellation either did not exist or**
181 **have been eliminated, with supporting documentation satisfactory to**
182 **the secretary;**

183 **c. State that the foreign limited liability company's name**
184 **satisfies the requirements of section 347.020; and**

185 **d. Include a reinstatement fee in the amount of ninety-five**
186 **dollars, or a higher amount if required by state regulation, and any**
187 **delinquent fees, penalties, or other charges as the secretary determines**
188 **are due;**

189 **(b) If the secretary determines that the application satisfies the**
190 **requirements under paragraph (a) of this subdivision, the secretary**
191 **shall rescind the cancellation and prepare a certificate of**
192 **reinstatement that includes the effective date of reinstatement and**
193 **shall deliver a copy to the limited liability company as provided under**
194 **section 347.051;**

195 **(c) If reinstatement is granted, the administrative cancellation**
196 **shall be retroactively voided, and the foreign limited liability company**
197 **may conduct its business as if the administrative cancellation never**
198 **occurred;**

199 **(d) If the name of the foreign limited liability company was**
200 **issued to another entity before the application for reinstatement was**
201 **filed, the foreign limited liability company applying for reinstatement**
202 **may elect to reinstate using a new name that complies with the**

203 requirements under section 347.020 and is approved by appropriate
204 action of the foreign limited liability company for changing its name;

205 (e) If the secretary denies a foreign limited liability company's
206 application for reinstatement, the secretary shall serve the limited
207 liability company with a written notice as provided under section
208 347.051 that explains the reason for denial; and

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

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

215 (a) A limited liability company whose articles of organization
216 were terminated due to an erroneously or accidentally filed notice of
217 winding up or notice of termination may apply to the secretary for
218 reinstatement by filing a withdrawal of notice of winding up or
219 withdrawal of notice of termination. The application shall:

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

222 b. State the grounds for erroneously or accidentally filing the
223 notice, with supporting documentation satisfactory to the secretary;

224 c. State that the limited liability company's name satisfies the
225 requirements under section 347.020; and

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

230 (b) If the secretary determines that the application satisfies the
231 requirements under paragraph (a) of this subdivision, the secretary
232 shall rescind the notice of winding up or notice of termination and
233 prepare a certificate of reinstatement that includes the effective notice
234 of termination and prepare a certificate of reinstatement that includes
235 the affected limited liability company as provided under section
236 347.051;

237 (c) If reinstatement is granted, the termination of the articles of
238 organization shall be retroactively voided, and the limited liability
239 company may conduct its business as if the administrative cancellation

240 **never occurred;**

241 **(d) If the name of the limited liability company was issued to**
242 **another entity before the application for reinstatement was filed, the**
243 **limited liability company applying for the reinstatement may elect to**
244 **reinstate using a new name that complies with the requirements under**
245 **section 347.020 and is approved by appropriate action of the limited**
246 **liability company for changing its name;**

247 **(e) If the secretary of state denies a limited liability company's**
248 **application for reinstatement, the secretary shall serve the limited**
249 **liability company with a written notice as provided under section**
250 **347.051 that explains the reason for denial;**

251 **(f) The limited liability company may appeal a denial of**
252 **reinstatement by using the procedure under subdivision (2) of this**
253 **section.**

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

4 (1) Any person intending to become a registered limited liability
5 partnership or foreign registered limited liability partnership under this chapter
6 and to adopt that name; and

7 (2) Any registered limited liability partnership or foreign registered
8 limited liability partnership which proposes to change its name.

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

23 the secretary of state a notice of cancellation, executed by the applicant or
24 transferee, specifying the name reservation to be cancelled and the name and
25 address of the applicant or transferee.

26 3. A fee in the amount of [twenty-five] **twenty** dollars shall be paid to the
27 secretary of state upon receipt for filing of an application for reservation of name,
28 an application for renewal of reservation or a notice of transfer or cancellation
29 pursuant to this section. All moneys from the payment of this fee shall be
30 deposited into the general revenue fund.

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

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

6 (2) A registered agent for service of process on the registered limited
7 liability partnership or foreign registered limited liability partnership, which
8 agent may be either an individual resident of the state of Missouri whose
9 business office is identical with the registered limited liability partnership's or
10 foreign registered limited liability partnership's registered office, or a domestic
11 corporation, or a foreign corporation authorized to do business in the state of
12 Missouri, having a business office identical with such registered office or the
13 registered limited liability partnership or foreign registered limited liability
14 partnership itself.

15 2. A registered agent may change the address of the registered office of
16 the registered limited liability partnerships or foreign registered limited liability
17 partnerships for which the agent is the registered agent to another address in the
18 state of Missouri by paying a fee in the amount of [ten] **five** dollars[, and a
19 further fee in the amount of two dollars] for each registered limited liability
20 partnership or foreign registered limited liability partnership affected thereby,
21 to the secretary of state and filing with the secretary of state a certificate,
22 executed by such registered agent, setting forth the names of all the registered
23 limited liability partnerships or foreign registered limited liability partnerships
24 represented by such registered agent, and the address at which such registered
25 agent has maintained the registered office for each of such registered limited
26 liability partnerships or foreign registered limited liability partnerships, and
27 further certifying to the new address to which such registered office will be
28 changed on a given day, and at which new address such registered agent will

29 thereafter maintain the registered office for each of the registered limited liability
30 partnerships or foreign registered limited liability partnerships recited in the
31 certificate. Upon the filing of such certificate, the secretary of state shall furnish
32 to the registered agent a certified copy of the same under the secretary of state's
33 hand and seal of office, and thereafter, or until further change of address, as
34 authorized by law, the registered office in the state of Missouri of each of the
35 registered limited liability partnerships or foreign registered limited liability
36 partnerships recited in the certificate shall be located at the new address of the
37 registered agent thereof as given in the certificate. In the event of a change of
38 name of any person acting as a registered agent of a registered limited liability
39 partnership or foreign registered limited liability partnership, such registered
40 agent shall file with the secretary of state a certificate, executed by such
41 registered agent, setting forth the new name of such registered agent, the name
42 of such registered agent before it was changed, the names of all the registered
43 limited liability partnerships or foreign registered limited liability partnerships
44 represented by such registered agent, and the address at which such registered
45 agent has maintained the registered office for each of such registered limited
46 liability partnerships or foreign registered limited liability partnerships, and
47 shall pay a fee in the amount of [twenty-five] **five** dollars[, and a further fee in
48 the amount of two dollars] for each registered limited liability partnership or
49 foreign registered limited liability partnership affected thereby, to the secretary
50 of state. Upon the filing of such certificate, the secretary of state shall furnish
51 to the registered agent a certified copy of the same under the secretary of state's
52 hand and seal of office. Filing a certificate under this section shall be deemed to
53 be an amendment of the application, renewal application or notice filed pursuant
54 to subsection 19 of section 358.440, as the case may be, of each registered limited
55 liability partnership or foreign registered limited liability partnership affected
56 thereby, and each such registered limited liability partnership or foreign
57 registered limited liability partnership shall not be required to take any further
58 action with respect thereto to amend its application, renewal application or notice
59 filed, as the case may be, pursuant to section 358.440. Any registered agent filing
60 a certificate under this section shall promptly, upon such filing, deliver a copy of
61 any such certificate to each registered limited liability partnership or foreign
62 registered limited liability partnership affected thereby.

63 3. The registered agent of one or more registered limited liability
64 partnerships or foreign registered limited liability partnerships may resign and

65 appoint a successor registered agent by paying a fee in the amount of [fifty] **five**
66 dollars[, and a further fee in the amount of two dollars] for each registered
67 limited liability partnership or foreign registered limited liability partnership
68 affected thereby, to the secretary of state and filing a certificate with the
69 secretary of state, stating that it resigns and the name and address of the
70 successor registered agent. There shall be attached to such certificate a
71 statement executed by each affected registered limited liability partnership or
72 foreign registered limited liability partnership ratifying and approving such
73 change of registered agent. Upon such filing, the successor registered agent shall
74 become the registered agent of such registered limited liability partnerships or
75 foreign registered limited liability partnerships as have ratified and approved
76 such substitution and the successor registered agent's address, as stated in such
77 certificate, shall become the address of each such registered limited liability
78 partnership's or foreign registered limited liability partnership's registered office
79 in the state of Missouri. The secretary of state shall furnish to the successor
80 registered agent a certified copy of the certificate of resignation. Filing of such
81 certificate of resignation shall be deemed to be an amendment of the application,
82 renewal application or notice filed pursuant to subsection 19 of section 358.440,
83 as the case may be, of each registered limited liability partnership or foreign
84 registered limited liability partnership affected thereby, and each such registered
85 limited liability partnership or foreign registered limited liability partnership
86 shall not be required to take any further action with respect thereto, to amend its
87 application, renewal application or notice filed pursuant to subsection 19 of
88 section 358.440, as the case may be, pursuant to section 358.440.

89 4. The registered agent of a registered limited liability partnership or
90 foreign registered limited liability partnership may resign without appointing a
91 successor registered agent by paying a fee in the amount of [ten] **five** dollars to
92 the secretary of state and filing a certificate with the secretary of state stating
93 that it resigns as registered agent for the registered limited liability partnership
94 or foreign registered limited liability partnership identified in the certificate, but
95 such resignation shall not become effective until one hundred twenty days after
96 the certificate is filed. There shall be attached to such certificate an affidavit of
97 such registered agent, if an individual, or the president, a vice president or the
98 secretary thereof if a corporation, that at least thirty days prior to and on or
99 about the date of the filing of the certificate, notices were sent by certified or
100 registered mail to the registered limited liability partnership or foreign registered

101 limited liability partnership for which such registered agent is resigning as
102 registered agent, at the principal office thereof within or outside the state of
103 Missouri, if known to such registered agent or, if not, to the last known address
104 of the attorney or other individual at whose request such registered agent was
105 appointed for such registered limited liability partnership or foreign registered
106 limited liability partnership, of the resignation of such registered agent. After
107 receipt of the notice of the resignation of its registered agent, the registered
108 limited liability partnership or foreign registered limited liability partnership for
109 which such registered agent was acting shall obtain and designate a new
110 registered agent, to take the place of the registered agent so resigning. If such
111 registered limited liability partnership or foreign registered limited liability
112 partnership fails to obtain and designate a new registered agent prior to the
113 expiration of the period of one hundred twenty days after the filing by the
114 registered agent of the certificate of resignation, the application, renewal
115 application or notice filed pursuant to subsection 19 of section 358.440 of such
116 registered limited liability partnership or foreign registered limited liability
117 partnership shall be deemed to be cancelled.

620.2005. 1. As used in sections 620.2000 to 620.2010, the following
2 terms mean:

3 (1) "Average wage", the new payroll divided by the number of new jobs,
4 or the payroll of the retained jobs divided by the number of retained jobs;

5 (2) "Commencement of operations", the starting date for the qualified
6 company's first new employee, which shall be no later than twelve months from
7 the date of the approval;

8 (3) "Contractor", a person, employer, or business entity that enters into
9 an agreement to perform any service or work or to provide a certain product in
10 exchange for valuable consideration. This definition shall include but not be
11 limited to a general contractor, subcontractor, independent contractor, contract
12 employee, project manager, or a recruiting or staffing entity;

13 (4) "County average wage", the average wages in each county as
14 determined by the department for the most recently completed full calendar
15 year. However, if the computed county average wage is above the statewide
16 average wage, the statewide average wage shall be deemed the county average
17 wage for such county for the purpose of determining eligibility. The department
18 shall publish the county average wage for each county at least
19 annually. Notwithstanding the provisions of this subdivision to the contrary, for

20 any qualified company that in conjunction with their project is relocating
21 employees from a Missouri county with a higher county average wage, the
22 company shall obtain the endorsement of the governing body of the community
23 from which jobs are being relocated or the county average wage for their project
24 shall be the county average wage for the county from which the employees are
25 being relocated;

26 (5) "Department", the Missouri department of economic development;

27 (6) "Director", the director of the department of economic development;

28 (7) "Employee", a person employed by a qualified company, excluding:

29 (a) Owners of the qualified company unless the qualified company is
30 participating in an employee stock ownership plan; or

31 (b) Owners of a noncontrolling interest in stock of a qualified company
32 that is publicly traded;

33 (8) "Existing Missouri business", a qualified company that, for the
34 ten-year period preceding submission of a notice of intent to the department, had
35 a physical location in Missouri and full-time employees who routinely performed
36 job duties within Missouri;

37 (9) "Full-time employee", an employee of the qualified company that is
38 scheduled to work an average of at least thirty-five hours per week for a
39 twelve-month period, and one for which the qualified company offers health
40 insurance and pays at least fifty percent of such insurance premiums. An
41 employee that spends less than fifty percent of the employee's work time at the
42 facility shall be considered to be located at a facility if the employee receives his
43 or her directions and control from that facility, is on the facility's payroll, one
44 hundred percent of the employee's income from such employment is Missouri
45 income, and the employee is paid at or above the applicable percentage of the
46 county average wage;

47 (10) "Industrial development authority", an industrial development
48 authority organized under chapter 349 that has entered into a formal written
49 memorandum of understanding with an entity of the United States Department
50 of Defense regarding a qualified military project;

51 (11) "Infrastructure projects", highways, roads, streets, bridges, sewers,
52 traffic control systems and devices, water distribution and supply systems,
53 curbing, sidewalks, storm water and drainage systems, broadband internet
54 infrastructure, and any other similar public improvements, but in no case shall
55 infrastructure projects include private structures;

56 (12) "Local incentives", the present value of the dollar amount of direct
57 benefit received by a qualified company for a project facility from one or more
58 local political subdivisions, but this term shall not include loans or other funds
59 provided to the qualified company that shall be repaid by the qualified company
60 to the political subdivision;

61 (13) "Manufacturing capital investment", expenditures made by a
62 qualified manufacturing company to retool or reconfigure a manufacturing project
63 facility directly related to the manufacturing of a new product or the expansion
64 or modification of the manufacture of an existing product;

65 (14) "Memorandum of understanding", an agreement executed by an
66 industrial development authority and an entity of the United States Department
67 of Defense, a copy of which is provided to the department of economic
68 development, that states, but is not limited to:

69 (a) A requirement for the military to provide the total number of existing
70 jobs, jobs directly created by a qualified military project, and average salaries of
71 such jobs to the industrial development authority and the department of economic
72 development annually for the term of the benefit;

73 (b) A requirement for the military to provide an accounting of the
74 expenditures of capital investment made by the military directly related to the
75 qualified military project to the industrial development authority and the
76 department of economic development annually for the term of the benefit;

77 (c) The process by which the industrial development authority shall
78 monetize the tax credits annually and any transaction cost or administrative fee
79 charged by the industrial development authority to the military on an annual
80 basis;

81 (d) A requirement for the industrial development authority to provide
82 proof to the department of economic development of the payment made to the
83 qualified military project annually, including the amount of such payment;

84 (e) The schedule of the maximum amount of tax credits which may be
85 authorized in each year for the project and the specified term of the benefit, as
86 provided by the department of economic development; and

87 (f) A requirement that the annual benefit paid shall be the lesser of:

88 a. The maximum amount of tax credits authorized; or

89 b. The actual calculated benefit derived from the number of new jobs and
90 average salaries;

91 (15) "NAICS" or "NAICS industry classification", the classification

92 provided by the most recent edition of the North American Industry Classification
93 System as prepared by the Executive Office of the President, Office of
94 Management and Budget;

95 (16) "New capital investment", shall include costs incurred by the
96 qualified company at the project facility after acceptance by the qualified
97 company of the proposal for benefits from the department or the approval notice
98 of intent, whichever occurs first, for real or personal property, and may include
99 the value of finance or capital leases for real or personal property for the term of
100 such lease at the project facility executed after acceptance by the qualified
101 company of the proposal for benefits from the department or the approval of the
102 notice of intent;

103 (17) "New direct local revenue", the present value of the dollar amount of
104 direct net new tax revenues of the local political subdivisions likely to be
105 produced by the project over a ten-year period as calculated by the department,
106 excluding local earnings tax, and net new utility revenues, provided the local
107 incentives include a discount or other direct incentives from utilities owned or
108 operated by the political subdivision;

109 (18) "New job", the number of full-time employees located at the project
110 facility that exceeds the project facility base employment less any decrease in the
111 number of full-time employees at related facilities below the related facility base
112 employment. No job that was created prior to the date of the notice of intent
113 shall be deemed a new job;

114 (19) "New payroll", the amount of wages paid for all new jobs, located at
115 the project facility during the qualified company's tax year that exceeds the
116 project facility base payroll;

117 (20) "New product", a new model or line of a manufactured good that has
118 not been manufactured in Missouri by a qualified manufacturing company at any
119 time prior to the date of the notice of intent, or an existing brand, model, or line
120 of a manufactured good that is redesigned;

121 (21) "Notice of intent", a form developed by the department and available
122 online, completed by the qualified company, and submitted to the department
123 stating the qualified company's intent to request benefits under this
124 program. The notice of intent shall be accompanied with a detailed plan by the
125 qualifying company to make good faith efforts to employ, at a minimum,
126 commensurate with the percentage of minority populations in the state of
127 Missouri, as reported in the previous decennial census, the following: racial

128 minorities, contractors who are racial minorities, and contractors that, in turn,
129 employ at a minimum racial minorities commensurate with the percentage of
130 minority populations in the state of Missouri, as reported in the previous
131 decennial census. At a minimum, such plan shall include monitoring the
132 effectiveness of outreach and recruitment strategies in attracting diverse
133 applicants and linking with different or additional referral sources in the event
134 that recruitment efforts fail to produce a diverse pipeline of applicants;

135 (22) "Percent of local incentives", the amount of local incentives divided
136 by the amount of new direct local revenue;

137 (23) "Program", the Missouri works program established in sections
138 620.2000 to 620.2020;

139 (24) "Project facility", the building or buildings used by a qualified
140 company at which new or retained jobs and any new capital investment are or
141 will be located or by a qualified manufacturing company at which a
142 manufacturing capital investment is or will be located. A project facility may
143 include separate buildings located within sixty miles of each other such that their
144 purpose and operations are interrelated; provided that where the buildings
145 making up the project facility are not located within the same county, the average
146 wage of the new payroll shall exceed the applicable percentage of the highest
147 county average wage among the counties in which the buildings are
148 located. Upon approval by the department, a subsequent project facility may be
149 designated if the qualified company demonstrates a need to relocate to the
150 subsequent project facility at any time during the project period. For qualified
151 military projects, the term "project facility" means the military base or
152 installation at which such qualified military project is or shall be located;

153 (25) "Project facility base employment", the greater of the number of
154 full-time employees located at the project facility on the date of the notice of
155 intent or, for the twelve-month period prior to the date of the notice of intent, the
156 average number of full-time employees located at the project facility. In the event
157 the project facility has not been in operation for a full twelve-month period, the
158 average number of full-time employees for the number of months the project
159 facility has been in operation prior to the date of the notice of intent;

160 (26) "Project facility base payroll", the annualized payroll for the project
161 facility base employment or the total amount of taxable wages paid by the
162 qualified company to full-time employees of the qualified company located at the
163 project facility in the twelve months prior to the notice of intent. For purposes

164 of calculating the benefits under this program, the amount of base payroll shall
165 increase each year based on an appropriate measure, as determined by the
166 department;

167 (27) "Project period", the time period within which benefits are awarded
168 to a qualified company or within which the qualified company is obligated to
169 perform under an agreement with the department, whichever is greater;

170 (28) "Projected net fiscal benefit", the total fiscal benefit to the state less
171 any state benefits offered to the qualified company, as determined by the
172 department;

173 (29) "Qualified company", a firm, partnership, joint venture, association,
174 private or public corporation whether organized for profit or not, or headquarters
175 of such entity registered to do business in Missouri that is the owner or operator
176 of a project facility, certifies that it offers health insurance to all full-time
177 employees of all facilities located in this state, and certifies that it pays at least
178 fifty percent of such insurance premiums. For the purposes of sections 620.2000
179 to 620.2020, the term "qualified company" shall not include:

180 (a) Gambling establishments (NAICS industry group 7132);

181 (b) Store front consumer-based retail trade establishments (under NAICS
182 sectors 44 and 45), except with respect to any company headquartered in this
183 state with a majority of its full-time employees engaged in operations not within
184 the NAICS codes specified in this subdivision;

185 (c) Food and drinking places (NAICS subsector 722);

186 (d) Public utilities (NAICS 221 including water and sewer services);

187 (e) Any company that is delinquent in the payment of any nonprotested
188 taxes or any other amounts due the state or federal government or any other
189 political subdivision of this state;

190 (f) Any company requesting benefits for retained jobs that has filed for or
191 has publicly announced its intention to file for bankruptcy protection. However,
192 a company that has filed for or has publicly announced its intention to file for
193 bankruptcy may be a qualified company provided that such company:

194 a. Certifies to the department that it plans to reorganize and not to
195 liquidate; and

196 b. After its bankruptcy petition has been filed, it produces proof, in a form
197 and at times satisfactory to the department, that it is not delinquent in filing any
198 tax returns or making any payment due to the state of Missouri, including but
199 not limited to all tax payments due after the filing of the bankruptcy petition and

200 under the terms of the plan of reorganization. Any taxpayer who is awarded
201 benefits under this subsection and who files for bankruptcy under Chapter 7 of
202 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the
203 department and shall forfeit such benefits and shall repay the state an amount
204 equal to any state tax credits already redeemed and any withholding taxes
205 already retained;

206 (g) Educational services (NAICS sector 61);

207 (h) Religious organizations (NAICS industry group 8131);

208 (i) Public administration (NAICS sector 92);

209 (j) Ethanol distillation or production;

210 (k) Biodiesel production; or

211 (l) Health care and social services (NAICS sector 62).

212 Notwithstanding any provision of this section to the contrary, the headquarters,
213 administrative offices, or research and development facilities of an otherwise
214 excluded business may qualify for benefits if the offices or facilities serve a
215 multistate territory. In the event a national, state, or regional headquarters
216 operation is not the predominant activity of a project facility, the jobs and
217 investment of such operation shall be considered eligible for benefits under this
218 section if the other requirements are satisfied;

219 (30) "Qualified manufacturing company", a company that:

220 (a) Is a qualified company that manufactures motor vehicles (NAICS
221 group 3361);

222 (b) Manufactures goods at a facility in Missouri;

223 (c) Manufactures a new product or has commenced making a
224 manufacturing capital investment to the project facility necessary for the
225 manufacturing of such new product, or modifies or expands the manufacture of
226 an existing product or has commenced making a manufacturing capital
227 investment for the project facility necessary for the modification or expansion of
228 the manufacture of such existing product; and

229 (d) Continues to meet the requirements of paragraphs (a) to (c) of this
230 subdivision for the project period;

231 (31) "Qualified military project", the expansion or improvement of a
232 military base or installation within this state that causes:

233 (a) An increase of ten or more **part-time or full-time** military or civilian
234 support personnel:

235 a. Whose average salaries equal or exceed ninety percent of the county

236 average wage; and

237 b. Who are offered health insurance, with an entity of the United States
238 Department of Defense paying at least fifty percent of such insurance premiums;
239 and

240 (b) Investment in real or personal property at the base or installation
241 expressly for the purposes of serving a new or expanded military activity or unit;

242 (32) "Related company", shall mean:

243 (a) A corporation, partnership, trust, or association controlled by the
244 qualified company;

245 (b) An individual, corporation, partnership, trust, or association in control
246 of the qualified company; or

247 (c) Corporations, partnerships, trusts or associations controlled by an
248 individual, corporation, partnership, trust, or association in control of the
249 qualified company. As used in this paragraph, "control of a qualified company"
250 shall mean:

251 a. Ownership, directly or indirectly, of stock possessing at least fifty
252 percent of the total combined voting power of all classes of stock entitled to vote
253 in the case of a qualified company that is a corporation;

254 b. Ownership of at least fifty percent of the capital or profit interest in
255 such qualified company if it is a partnership or association;

256 c. Ownership, directly or indirectly, of at least fifty percent of the
257 beneficial interest in the principal or income of such qualified company if it is a
258 trust, and ownership shall be determined as provided in Section 318 of the
259 Internal Revenue Code of 1986, as amended;

260 (33) "Related facility", a facility operated by the qualified company or a
261 related company located in this state that is directly related to the operations of
262 the project facility or in which operations substantially similar to the operations
263 of the project facility are performed;

264 (34) "Related facility base employment", the greater of the number of
265 full-time employees located at all related facilities on the date of the notice of
266 intent or, for the twelve-month period prior to the date of the notice of intent, the
267 average number of full-time employees located at all related facilities of the
268 qualified company or a related company located in this state;

269 (35) "Related facility base payroll", the annualized payroll of the related
270 facility base payroll or the total amount of taxable wages paid by the qualified
271 company to full-time employees of the qualified company located at a related

272 facility in the twelve months prior to the filing of the notice of intent. For
273 purposes of calculating the benefits under this program, the amount of related
274 facility base payroll shall increase each year based on an appropriate measure,
275 as determined by the department;

276 (36) "Rural area", a county in Missouri with a population less than
277 seventy-five thousand or that does not contain an individual city with a
278 population greater than fifty thousand according to the most recent federal
279 decennial census;

280 (37) "Tax credits", tax credits issued by the department to offset the state
281 taxes imposed by chapters 143 and 148, or which may be sold or refunded as
282 provided for in this program;

283 (38) "Withholding tax", the state tax imposed by sections 143.191 to
284 143.265. For purposes of this program, the withholding tax shall be computed
285 using a schedule as determined by the department based on average wages.

286 2. This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax
2 revenues and other economic stimuli that will be generated by the new jobs
3 created, a qualified company may, for a period of five years from the date the new
4 jobs are created, or for a period of six years from the date the new jobs are
5 created if the qualified company is an existing Missouri business, retain an
6 amount equal to the withholding tax as calculated under subdivision (38) of
7 section 620.2005 from the new jobs that would otherwise be withheld and
8 remitted by the qualified company under the provisions of sections 143.191 to
9 143.265 if:

10 (1) The qualified company creates ten or more new jobs, and the average
11 wage of the new payroll equals or exceeds ninety percent of the county average
12 wage;

13 (2) The qualified company creates two or more new jobs at a project
14 facility located in a rural area, the average wage of the new payroll equals or
15 exceeds ninety percent of the county average wage, and the qualified company
16 commits to making at least one hundred thousand dollars of new capital
17 investment at the project facility within two years; or

18 (3) The qualified company creates two or more new jobs at a project
19 facility located within a zone designated under sections 135.950 to 135.963, the
20 average wage of the new payroll equals or exceeds eighty percent of the county
21 average wage, and the qualified company commits to making at least one hundred

22 thousand dollars in new capital investment at the project facility within two years
23 of approval.

24 2. In addition to any benefits available under subsection 1 of this section,
25 the department may award a qualified company that satisfies subdivision (1) of
26 subsection 1 of this section additional tax credits, issued each year for a period
27 of five years from the date the new jobs are created, or for a period of six years
28 from the date the new jobs are created if the qualified company is an existing
29 Missouri business, in an amount equal to or less than six percent of new payroll;
30 provided that in no event may the total amount of benefits awarded to a qualified
31 company under this section exceed nine percent of new payroll in any calendar
32 year. The amount of tax credits awarded to a qualified company under this
33 subsection shall not exceed the projected net fiscal benefit to the state, as
34 determined by the department, and shall not exceed the least amount necessary
35 to obtain the qualified company's commitment to initiate the project. In
36 determining the amount of tax credits to award to a qualified company under this
37 subsection or a qualified manufacturing company under subsection 3 of this
38 section, the department shall consider the following factors:

- 39 (1) The significance of the qualified company's need for program benefits;
- 40 (2) The amount of projected net fiscal benefit to the state of the project
41 and the period in which the state would realize such net fiscal benefit;
- 42 (3) The overall size and quality of the proposed project, including the
43 number of new jobs, new capital investment, manufacturing capital investment,
44 proposed wages, growth potential of the qualified company, the potential
45 multiplier effect of the project, and similar factors;
- 46 (4) The financial stability and creditworthiness of the qualified company;
- 47 (5) The level of economic distress in the area;
- 48 (6) An evaluation of the competitiveness of alternative locations for the
49 project facility, as applicable; and
- 50 (7) The percent of local incentives committed.

51 3. (1) The department may award tax credits to a qualified
52 manufacturing company that makes a manufacturing capital investment of at
53 least five hundred million dollars not more than three years following the
54 department's approval of a notice of intent and the execution of an agreement
55 that meets the requirements of subsection 4 of this section. Such tax credits shall
56 be issued no earlier than January 1, 2023, and may be issued each year for a
57 period of five years. A qualified manufacturing company may qualify for an

58 additional five-year period under this subsection if it makes an additional
59 manufacturing capital investment of at least two hundred fifty million dollars
60 within five years of the department's approval of the original notice of intent.

61 (2) The maximum amount of tax credits that any one qualified
62 manufacturing company may receive under this subsection shall not exceed five
63 million dollars per calendar year. The aggregate amount of tax credits awarded
64 to all qualified manufacturing companies under this subsection shall not exceed
65 ten million dollars per calendar year.

66 (3) If, at the project facility at any time during the project period, the
67 qualified manufacturing company discontinues the manufacturing of the new
68 product, or discontinues the modification or expansion of an existing product, and
69 does not replace it with a subsequent or additional new product or with a
70 modification or expansion of an existing product, the company shall immediately
71 cease receiving any benefit awarded under this subsection for the remainder of
72 the project period and shall forfeit all rights to retain or receive any benefit
73 awarded under this subsection for the remainder of such period.

74 (4) Notwithstanding any other provision of law to the contrary, any
75 qualified manufacturing company that is awarded benefits under this section
76 shall not simultaneously receive tax credits or exemptions under sections 100.700
77 to 100.850 for the jobs created or retained or capital improvement that qualified
78 for benefits under this section. The provisions of subsection 5 of section 285.530
79 shall not apply to a qualified manufacturing company that is awarded benefits
80 under this section.

81 4. Upon approval of a notice of intent to receive tax credits under
82 subsection 2, 3, 6, or 7 of this section, the department and the qualified company
83 shall enter into a written agreement covering the applicable project period. The
84 agreement shall specify, at a minimum:

85 (1) The committed number of new jobs, new payroll, and new capital
86 investment, or the manufacturing capital investment and committed percentage
87 of retained jobs for each year during the project period;

88 (2) The date or time period during which the tax credits shall be issued,
89 which may be immediately or over a period not to exceed two years from the date
90 of approval of the notice of intent;

91 (3) Clawback provisions, as may be required by the department;

92 (4) Financial guarantee provisions as may be required by the department,
93 provided that financial guarantee provisions shall be required by the department

94 for tax credits awarded under subsection 7 of this section; and

95 (5) Any other provisions the department may require.

96 5. In lieu of the benefits available under sections 1 and 2 of this section,
97 and in exchange for the consideration provided by the new tax revenues and other
98 economic stimuli that will be generated by the new jobs created by the program,
99 a qualified company may, for a period of five years from the date the new jobs are
100 created, or for a period of six years from the date the new jobs are created if the
101 qualified company is an existing Missouri business, retain an amount equal to the
102 withholding tax as calculated under subdivision (38) of section 620.2005 from the
103 new jobs that would otherwise be withheld and remitted by the qualified company
104 under the provisions of sections 143.191 to 143.265 equal to:

105 (1) Six percent of new payroll for a period of five years from the date the
106 required number of new jobs were created if the qualified company creates one
107 hundred or more new jobs and the average wage of the new payroll equals or
108 exceeds one hundred twenty percent of the county average wage of the county in
109 which the project facility is located; or

110 (2) Seven percent of new payroll for a period of five years from the date
111 the required number of jobs were created if the qualified company creates one
112 hundred or more new jobs and the average wage of the new payroll equals or
113 exceeds one hundred forty percent of the county average wage of the county in
114 which the project facility is located.

115 The department shall issue a refundable tax credit for any difference between the
116 amount of benefit allowed under this subsection and the amount of withholding
117 tax retained by the company, in the event the withholding tax is not sufficient to
118 provide the entire amount of benefit due to the qualified company under this
119 subsection.

120 6. In addition to the benefits available under subsection 5 of this section,
121 the department may award a qualified company that satisfies the provisions of
122 subsection 5 of this section additional tax credits, issued each year for a period
123 of five years from the date the new jobs are created, or for a period of six years
124 from the date the new jobs are created if the qualified company is an existing
125 Missouri business, in an amount equal to or less than three percent of new
126 payroll; provided that in no event may the total amount of benefits awarded to
127 a qualified company under this section exceed nine percent of new payroll in any
128 calendar year. The amount of tax credits awarded to a qualified company under
129 this subsection shall not exceed the projected net fiscal benefit to the state, as

130 determined by the department, and shall not exceed the least amount necessary
131 to obtain the qualified company's commitment to initiate the project. In
132 determining the amount of tax credits to award to a qualified company under this
133 subsection, the department shall consider the factors provided under subsection
134 2 of this section.

135 7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this
136 section, and in exchange for the consideration provided by the new tax revenues
137 and other economic stimuli that will be generated by the new jobs and new
138 capital investment created by the program, the department may award a qualified
139 company that satisfies the provisions of subdivision (1) of subsection 1 of this
140 section tax credits, issued within one year following the qualified company's
141 acceptance of the department's proposal for benefits, in an amount equal to or
142 less than nine percent of new payroll. The amount of tax credits awarded to a
143 qualified company under this subsection shall not exceed the projected net fiscal
144 benefit to the state, as determined by the department, and shall not exceed the
145 least amount necessary to obtain the qualified company's commitment to initiate
146 the project. In determining the amount of tax credits to award to a qualified
147 company under this subsection, the department shall consider the factors
148 provided under subsection 2 of this section and the qualified company's
149 commitment to new capital investment and new job creation within the state for
150 a period of not less than ten years. For the purposes of this subsection, each
151 qualified company shall have an average wage of the new payroll that equals or
152 exceeds one hundred percent of the county average wage. Notwithstanding the
153 provisions of section 620.2020 to the contrary, this subsection, shall expire on
154 June 30, 2025.

155 8. No benefits shall be available under this section for any qualified
156 company that has performed significant, project-specific site work at the project
157 facility, purchased machinery or equipment related to the project, or has publicly
158 announced its intention to make new capital investment or manufacturing capital
159 investment at the project facility prior to receipt of a proposal for benefits under
160 this section or approval of its notice of intent, whichever occurs first.

161 9. In lieu of any other benefits under this chapter, the department of
162 economic development may award a tax credit to an industrial development
163 authority for a qualified military project in an amount equal to the estimated
164 withholding taxes associated with the **part-time and full-time** civilian and
165 military new jobs located at the facility and directly impacted by the project. The

166 amount of the tax credit shall be calculated by multiplying:

167 (1) The average percentage of tax withheld, as provided by the department
168 of revenue to the department of economic development;

169 (2) The average salaries of the jobs directly created by the qualified
170 military project; and

171 (3) The number of jobs directly created by the qualified military project.
172 If the amount of the tax credit represents the least amount necessary to
173 accomplish the qualified military project, the tax credits may be issued, but no
174 tax credits shall be issued for a term longer than fifteen years. No qualified
175 military project shall be eligible for tax credits under this subsection unless the
176 department of economic development determines the qualified military project
177 shall achieve a net positive fiscal impact to the state.

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

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

**4 (1) "Board", the Missouri development finance board, a body
5 corporate and politic created under sections 100.250 to 100.297 and
6 100.700 to 100.850;**

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

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

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

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

12 (d) Highway building, 105 Capitol Avenue;

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

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

**15 (4) "Department", the Missouri department of economic
16 development;**

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

**24 (6) "Eligible artifact donation", a donation of an eligible artifact
25 to the board of public buildings. The value of such donation shall be**

26 set by the board of public buildings who may employ such experts as
27 may be useful to them in making such a determination. The board of
28 public buildings shall, in their sole discretion, determine if an artifact
29 is to be accepted;

30 (7) "Eligible monetary donation", donations received from a
31 qualified donor to the capitol complex fund, created in this section, or
32 to an organization exempt from taxation under 501(c)(3) of the Internal
33 Revenue Service Code of 1986, as amended, whose mission and purpose
34 is to restore, renovate, improve, and maintain one or more buildings in
35 the capitol complex, that are to be used solely for projects to restore,
36 renovate, improve, and maintain buildings and their furnishings in the
37 capitol complex and the administration thereof. Eligible donations may
38 include:

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

45 (b) Stocks from a publicly traded company;

46 (c) Bonds which are publicly traded;

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

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

55 (a) A person, firm, partner in a firm, corporation, or a
56 shareholder in an S corporation doing business in the state of Missouri
57 and subject to the state income tax imposed in chapter 143;

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

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

62 (d) Any other financial institution paying taxes to the state of

63 Missouri or any political subdivision of this state under chapter 148;

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

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

70 3. There is hereby created a fund to be known as the "Capitol
71 Complex Fund", separate and distinct from all other board funds, which
72 is hereby authorized to receive any eligible monetary donation as
73 provided in this section. The capitol complex fund shall be segregated
74 into two accounts: a rehabilitation and renovation account and a
75 maintenance account. Ninety percent of the revenues received from
76 eligible donations pursuant to the provisions of this section shall be
77 deposited in the rehabilitation and renovation account and seven and
78 one-half percent of such revenues shall be deposited in the
79 maintenance account. The assets of these accounts, together with any
80 interest which may accrue thereon, shall be used by the board solely
81 for the purposes of restoration and maintenance of the building of the
82 capitol complex as defined in this section, and for no other
83 purpose. The remaining two and one-half percent of the revenues
84 deposited into the fund may be used for the purposes of soliciting
85 donations to the fund, advertising and promoting the fund, and
86 administrative costs of administering the fund. Any amounts not used
87 for those purposes shall be deposited back into the rehabilitation and
88 renovation account and the maintenance account divided in the
89 manner set forth in this section. The board may, as an administrative
90 cost, use the funds to hire fund raising professionals and such other
91 experts or advisors as may be necessary to carry out the board's duties
92 under this section. The choice of projects for which the money is to be
93 used, as well as the determination of the methods of carrying out the
94 project and the procurement of goods and services thereon shall be
95 made by the commissioner of administration. No moneys shall be
96 released from the fund for any expense without the approval of the
97 commissioner of administration, who may delegate that authority as
98 deemed appropriate. All contracts for rehabilitation, renovation, or
99 maintenance work shall be the responsibility of the commissioner of

100 administration. A memorandum of understanding may be executed
101 between the commissioner of administration and the board determining
102 the processes for obligation, reservation, and payment of eligible costs
103 from the fund. The commissioner of administration shall not obligate
104 costs in excess of the fund balance. The board shall not be responsible
105 for any costs obligated in excess of available funds and shall be held
106 harmless in any contracts related to rehabilitation, renovation, and
107 maintenance of capitol complex buildings. No other board funds shall
108 be used to pay obligations made by the commissioner of administration
109 related to activities under this section.

110 4. For all taxable years beginning on or after January 1, 2020,
111 any qualified donor shall be allowed a credit against the taxes
112 otherwise due under chapters 143 and 148, except for sections 143.191
113 to 143.265, in an amount of fifty percent of the eligible monetary
114 donation. The amount of the tax credit claimed may exceed the amount
115 of the donor's state income tax liability in the tax year for which the
116 credit is claimed. Any amount of credit that exceeds the qualified
117 donor's state income tax liability may be refundable or may be carried
118 forward to any of the taxpayer's four subsequent taxable years.

119 5. For all taxable years beginning on or after January 1, 2020,
120 any qualified donor shall be allowed a credit against the taxes
121 otherwise due under chapters 143 and 148, except for sections 143.191
122 to 143.265, in an amount of thirty percent of the eligible artifact
123 donation. The amount of the tax credit claimed may not exceed the
124 amount of the qualified donor's state income tax liability in the tax
125 year for which the credit is claimed. Any amount of credit that exceeds
126 the qualified donor's state income tax liability shall not be refundable
127 but may be carried forward to any other taxpayer's four subsequent
128 taxable years.

129 6. To claim a credit for an eligible monetary donation as set forth
130 in subsection 4 of this section, a qualified donor shall make an eligible
131 monetary donation to the board as custodian of the capitol complex
132 fund or other eligible recipient. Upon receipt of such donation, the
133 board or other eligible recipient shall issue to the qualified donor a
134 statement evidencing receipt of such donation, including the value of
135 such donation, with a copy to the department. Upon receipt of the
136 statement from the eligible recipient, the department shall issue a tax

137 credit certificate equal to fifty percent of the amount of the donation,
138 to the qualified donor, as indicated in the statement from the eligible
139 recipient.

140 7. To claim a credit for an eligible artifact donation as set forth
141 in subsection 5 of this section, a qualified donor shall donate an eligible
142 artifact to the board of public buildings. If the board of public
143 buildings determines that artifact is an eligible artifact, and has
144 determined to accept the artifact, it shall issue a statement of donation
145 to the eligible donor specifying the value placed on the artifact by the
146 board of public buildings, with a copy to the department. Upon
147 receiving a statement from the board of public buildings, the
148 department shall issue a tax credit certificate equal to thirty percent
149 of the amount of the donation, to the qualified donor as indicated in the
150 statement from the board of public buildings.

151 8. The department shall not authorize more than ten million
152 dollars in tax credits provided under this section in any calendar
153 year. Donations shall be processed for tax credits on a first come, first
154 serve basis. Donations received in excess of the tax credit cap shall be
155 placed in line for tax credits issued the following year or shall be given
156 the opportunity to complete their donation without the expectation of
157 a tax credit, or shall request to have their donation returned.

158 9. Tax credits issued under the provisions of this section shall
159 not be subject to the payment of any fee required under the provisions
160 of section 620.1900.

161 10. Tax credits issued under this section may be assigned,
162 transferred, sold, or otherwise conveyed, and the new owner of the tax
163 credit shall have the same rights in the credit as the
164 taxpayer. Whenever a certificate is assigned, transferred, sold, or
165 otherwise conveyed, a notarized endorsement shall be filed with the
166 department specifying the name and address of the new owner of the
167 tax credit and the value of the credit.

168 11. The department may promulgate rules to implement the
169 provisions of this section. Any rule or portion of a rule, as that term is
170 defined in section 536.010, that is created under the authority delegated
171 in this section shall become effective only if it complies with and is
172 subject to all of the provisions of chapter 536 and, if applicable, section
173 536.028. This section and chapter 536 are nonseverable and if any of

174 the powers vested with the general assembly pursuant to chapter 536
175 to review, to delay the effective date, or to disapprove and annul a rule
176 are subsequently held unconstitutional, then the grant of rulemaking
177 authority and any rule proposed or adopted after August 28, 2020, shall
178 be invalid and void.

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

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

183 (2) If such program is reauthorized, the program authorized
184 under this section shall sunset automatically twelve years after August
185 28, 2020; and

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

✓

Bill

Copy