

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 15, Page 1, Section Title, Line 4,

2 by striking "property taxes" and inserting in lieu thereof  
 3 the following: "taxation"; and

4 Further amend said bill, page 9, section 139.031, line  
 5 162, by inserting after all of said line the following:

6 "144.030. 1. There is hereby specifically exempted  
 7 from the provisions of sections 144.010 to 144.525 and from  
 8 the computation of the tax levied, assessed or payable  
 9 pursuant to sections 144.010 to 144.525 such retail sales as  
 10 may be made in commerce between this state and any other  
 11 state of the United States, or between this state and any  
 12 foreign country, and any retail sale which the state of  
 13 Missouri is prohibited from taxing pursuant to the  
 14 Constitution or laws of the United States of America, and  
 15 such retail sales of tangible personal property which the  
 16 general assembly of the state of Missouri is prohibited from  
 17 taxing or further taxing by the constitution of this state.

18 2. There are also specifically exempted from the  
 19 provisions of the local sales tax law as defined in section  
 20 32.085, section 238.235, and sections 144.010 to 144.525 and  
 21 144.600 to 144.761 and from the computation of the tax  
 22 levied, assessed or payable pursuant to the local sales tax  
 23 law as defined in section 32.085, section 238.235, and  
 24 sections 144.010 to 144.525 and 144.600 to 144.745:

25 (1) Motor fuel or special fuel subject to an excise  
 26 tax of this state, unless all or part of such excise tax is

27 refunded pursuant to section 142.824; or upon the sale at  
28 retail of fuel to be consumed in manufacturing or creating  
29 gas, power, steam, electrical current or in furnishing water  
30 to be sold ultimately at retail; or feed for livestock or  
31 poultry; or grain to be converted into foodstuffs which are  
32 to be sold ultimately in processed form at retail; or seed,  
33 limestone or fertilizer which is to be used for seeding,  
34 liming or fertilizing crops which when harvested will be  
35 sold at retail or will be fed to livestock or poultry to be  
36 sold ultimately in processed form at retail; economic  
37 poisons registered pursuant to the provisions of the  
38 Missouri pesticide registration law, sections 281.220 to  
39 281.310, which are to be used in connection with the growth  
40 or production of crops, fruit trees or orchards applied  
41 before, during, or after planting, the crop of which when  
42 harvested will be sold at retail or will be converted into  
43 foodstuffs which are to be sold ultimately in processed form  
44 at retail;

45 (2) Materials, manufactured goods, machinery and parts  
46 which when used in manufacturing, processing, compounding,  
47 mining, producing or fabricating become a component part or  
48 ingredient of the new personal property resulting from such  
49 manufacturing, processing, compounding, mining, producing or  
50 fabricating and which new personal property is intended to  
51 be sold ultimately for final use or consumption; and  
52 materials, including without limitation, gases and  
53 manufactured goods, including without limitation slagging  
54 materials and firebrick, which are ultimately consumed in  
55 the manufacturing process by blending, reacting or  
56 interacting with or by becoming, in whole or in part,  
57 component parts or ingredients of steel products intended to  
58 be sold ultimately for final use or consumption;

59           (3) Materials, replacement parts and equipment  
60 purchased for use directly upon, and for the repair and  
61 maintenance or manufacture of, motor vehicles, watercraft,  
62 railroad rolling stock or aircraft engaged as common  
63 carriers of persons or property;

64           (4) Replacement machinery, equipment, and parts and  
65 the materials and supplies solely required for the  
66 installation or construction of such replacement machinery,  
67 equipment, and parts, used directly in manufacturing,  
68 mining, fabricating or producing a product which is intended  
69 to be sold ultimately for final use or consumption; and  
70 machinery and equipment, and the materials and supplies  
71 required solely for the operation, installation or  
72 construction of such machinery and equipment, purchased and  
73 used to establish new, or to replace or expand existing,  
74 material recovery processing plants in this state. For the  
75 purposes of this subdivision, a "material recovery  
76 processing plant" means a facility that has as its primary  
77 purpose the recovery of materials into a usable product or a  
78 different form which is used in producing a new product and  
79 shall include a facility or equipment which are used  
80 exclusively for the collection of recovered materials for  
81 delivery to a material recovery processing plant but shall  
82 not include motor vehicles used on highways. For purposes  
83 of this section, the terms motor vehicle and highway shall  
84 have the same meaning pursuant to section 301.010. For the  
85 purposes of this subdivision, subdivision (5) of this  
86 subsection, and section 144.054, as well as the definition  
87 in subdivision (9) of subsection 1 of section 144.010, the  
88 term "product" includes telecommunications services and the  
89 term "manufacturing" shall include the production, or  
90 production and transmission, of telecommunications  
91 services. The preceding sentence does not make a

92 substantive change in the law and is intended to clarify  
93 that the term "manufacturing" has included and continues to  
94 include the production and transmission of  
95 "telecommunications services", as enacted in this  
96 subdivision and subdivision (5) of this subsection, as well  
97 as the definition in subdivision (9) of subsection 1 of  
98 section 144.010. The preceding two sentences reaffirm  
99 legislative intent consistent with the interpretation of  
100 this subdivision and subdivision (5) of this subsection in  
101 *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d  
102 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v.*  
103 *Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and  
104 accordingly abrogates the Missouri supreme court's  
105 interpretation of those exemptions in *IBM Corporation v.*  
106 *Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the  
107 extent inconsistent with this section and *Southwestern Bell*  
108 *Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc  
109 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*,  
110 182 S.W.3d 226 (Mo. banc 2005). The construction and  
111 application of this subdivision as expressed by the Missouri  
112 supreme court in *DST Systems, Inc. v. Director of Revenue*,  
113 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v.*  
114 *Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and  
115 *Southwestern Bell Tel. Co. v. Director of Revenue*, 182  
116 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material  
117 recovery is not the reuse of materials within a  
118 manufacturing process or the use of a product previously  
119 recovered. The material recovery processing plant shall  
120 qualify under the provisions of this section regardless of  
121 ownership of the material being recovered;

122 (5) Machinery and equipment, and parts and the  
123 materials and supplies solely required for the installation  
124 or construction of such machinery and equipment, purchased

125 and used to establish new or to expand existing  
126 manufacturing, mining or fabricating plants in the state if  
127 such machinery and equipment is used directly in  
128 manufacturing, mining or fabricating a product which is  
129 intended to be sold ultimately for final use or  
130 consumption. The construction and application of this  
131 subdivision as expressed by the Missouri supreme court in  
132 *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo.  
133 banc 2001); *Southwestern Bell Tel. Co. v. Director of*  
134 *Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern*  
135 *Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo.  
136 banc 2005), is hereby affirmed;

137 (6) Tangible personal property which is used  
138 exclusively in the manufacturing, processing, modification  
139 or assembling of products sold to the United States  
140 government or to any agency of the United States government;

141 (7) Animals or poultry used for breeding or feeding  
142 purposes, or captive wildlife;

143 (8) Newsprint, ink, computers, photosensitive paper  
144 and film, toner, printing plates and other machinery,  
145 equipment, replacement parts and supplies used in producing  
146 newspapers published for dissemination of news to the  
147 general public;

148 (9) The rentals of films, records or any type of sound  
149 or picture transcriptions for public commercial display;

150 (10) Pumping machinery and equipment used to propel  
151 products delivered by pipelines engaged as common carriers;

152 (11) Railroad rolling stock for use in transporting  
153 persons or property in interstate commerce and motor  
154 vehicles licensed for a gross weight of twenty-four thousand  
155 pounds or more or trailers used by common carriers, as  
156 defined in section 390.020, in the transportation of persons  
157 or property;

158           (12) Electrical energy used in the actual primary  
159 manufacture, processing, compounding, mining or producing of  
160 a product, or electrical energy used in the actual secondary  
161 processing or fabricating of the product, or a material  
162 recovery processing plant as defined in subdivision (4) of  
163 this subsection, in facilities owned or leased by the  
164 taxpayer, if the total cost of electrical energy so used  
165 exceeds ten percent of the total cost of production, either  
166 primary or secondary, exclusive of the cost of electrical  
167 energy so used or if the raw materials used in such  
168 processing contain at least twenty-five percent recovered  
169 materials as defined in section 260.200. There shall be a  
170 rebuttable presumption that the raw materials used in the  
171 primary manufacture of automobiles contain at least twenty-  
172 five percent recovered materials. For purposes of this  
173 subdivision, "processing" means any mode of treatment, act  
174 or series of acts performed upon materials to transform and  
175 reduce them to a different state or thing, including  
176 treatment necessary to maintain or preserve such processing  
177 by the producer at the production facility;

178           (13) Anodes which are used or consumed in  
179 manufacturing, processing, compounding, mining, producing or  
180 fabricating and which have a useful life of less than one  
181 year;

182           (14) Machinery, equipment, appliances and devices  
183 purchased or leased and used solely for the purpose of  
184 preventing, abating or monitoring air pollution, and  
185 materials and supplies solely required for the installation,  
186 construction or reconstruction of such machinery, equipment,  
187 appliances and devices;

188           (15) Machinery, equipment, appliances and devices  
189 purchased or leased and used solely for the purpose of  
190 preventing, abating or monitoring water pollution, and

191 materials and supplies solely required for the installation,  
192 construction or reconstruction of such machinery, equipment,  
193 appliances and devices;

194 (16) Tangible personal property purchased by a rural  
195 water district;

196 (17) All amounts paid or charged for admission or  
197 participation or other fees paid by or other charges to  
198 individuals in or for any place of amusement, entertainment  
199 or recreation, games or athletic events, including museums,  
200 fairs, zoos and planetariums, owned or operated by a  
201 municipality or other political subdivision where all the  
202 proceeds derived therefrom benefit the municipality or other  
203 political subdivision and do not inure to any private  
204 person, firm, or corporation, provided, however, that a  
205 municipality or other political subdivision may enter into  
206 revenue-sharing agreements with private persons, firms, or  
207 corporations providing goods or services, including  
208 management services, in or for the place of amusement,  
209 entertainment or recreation, games or athletic events, and  
210 provided further that nothing in this subdivision shall  
211 exempt from tax any amounts retained by any private person,  
212 firm, or corporation under such revenue-sharing agreement;

213 (18) All sales of insulin, and all sales, rentals,  
214 repairs, and parts of durable medical equipment, prosthetic  
215 devices, and orthopedic devices as defined [on January 1,  
216 1980,] by the federal Medicare program pursuant to Title  
217 XVIII of the Social Security Act of 1965, as amended,  
218 including the items specified in Section 1862(a)(12) of that  
219 act, and also specifically including hearing aids and  
220 hearing aid supplies and all sales of drugs which may be  
221 legally dispensed by a licensed pharmacist only upon a  
222 lawful prescription of a practitioner licensed to administer  
223 those items, including samples and materials used to

224 manufacture samples which may be dispensed by a practitioner  
225 authorized to dispense such samples and all sales or rental  
226 of medical oxygen, home respiratory equipment and  
227 accessories including parts, and hospital beds and  
228 accessories and ambulatory aids including parts, and all  
229 sales or rental of manual and powered wheelchairs including  
230 parts and accessories, and stairway lifts, Braille writers,  
231 electronic Braille equipment and, if purchased or rented by  
232 or on behalf of a person with one or more physical or mental  
233 disabilities to enable them to function more independently,  
234 all sales or rental of scooters including parts, and reading  
235 machines, electronic print enlargers and magnifiers,  
236 electronic alternative and augmentative communication  
237 devices, and items used solely to modify motor vehicles to  
238 permit the use of such motor vehicles by individuals with  
239 disabilities or sales of over-the-counter or nonprescription  
240 drugs to individuals with disabilities, and drugs required  
241 by the Food and Drug Administration to meet the over-the-  
242 counter drug product labeling requirements in 21 CFR 201.66,  
243 or its successor, as prescribed by a health care  
244 practitioner licensed to prescribe;

245 (19) All sales made by or to religious and charitable  
246 organizations and institutions in their religious,  
247 charitable or educational functions and activities and all  
248 sales made by or to all elementary and secondary schools  
249 operated at public expense in their educational functions  
250 and activities;

251 (20) All sales of aircraft to common carriers for  
252 storage or for use in interstate commerce and all sales made  
253 by or to not-for-profit civic, social, service or fraternal  
254 organizations, including fraternal organizations which have  
255 been declared tax-exempt organizations pursuant to Section  
256 501(c) (8) or (10) of the 1986 Internal Revenue Code, as



257 amended, in their civic or charitable functions and  
258 activities and all sales made to eleemosynary and penal  
259 institutions and industries of the state, and all sales made  
260 to any private not-for-profit institution of higher  
261 education not otherwise excluded pursuant to subdivision  
262 (19) of this subsection or any institution of higher  
263 education supported by public funds, and all sales made to a  
264 state relief agency in the exercise of relief functions and  
265 activities;

266 (21) All ticket sales made by benevolent, scientific  
267 and educational associations which are formed to foster,  
268 encourage, and promote progress and improvement in the  
269 science of agriculture and in the raising and breeding of  
270 animals, and by nonprofit summer theater organizations if  
271 such organizations are exempt from federal tax pursuant to  
272 the provisions of the Internal Revenue Code and all  
273 admission charges and entry fees to the Missouri state fair  
274 or any fair conducted by a county agricultural and  
275 mechanical society organized and operated pursuant to  
276 sections 262.290 to 262.530;

277 (22) All sales made to any private not-for-profit  
278 elementary or secondary school, all sales of feed additives,  
279 medications or vaccines administered to livestock or poultry  
280 in the production of food or fiber, all sales of pesticides  
281 used in the production of crops, livestock or poultry for  
282 food or fiber, all sales of bedding used in the production  
283 of livestock or poultry for food or fiber, all sales of  
284 propane or natural gas, electricity or diesel fuel used  
285 exclusively for drying agricultural crops, natural gas used  
286 in the primary manufacture or processing of fuel ethanol as  
287 defined in section 142.028, natural gas, propane, and  
288 electricity used by an eligible new generation cooperative  
289 or an eligible new generation processing entity as defined

290 in section 348.432, and all sales of farm machinery and  
291 equipment, other than airplanes, motor vehicles and  
292 trailers, and any freight charges on any exempt item. As  
293 used in this subdivision, the term "feed additives" means  
294 tangible personal property which, when mixed with feed for  
295 livestock or poultry, is to be used in the feeding of  
296 livestock or poultry. As used in this subdivision, the term  
297 "pesticides" includes adjuvants such as crop oils,  
298 surfactants, wetting agents and other assorted pesticide  
299 carriers used to improve or enhance the effect of a  
300 pesticide and the foam used to mark the application of  
301 pesticides and herbicides for the production of crops,  
302 livestock or poultry. As used in this subdivision, the term  
303 "farm machinery and equipment" shall mean:

304 (a) New or used farm tractors and such other new or  
305 used farm machinery and equipment, including utility  
306 vehicles used for any agricultural use, and repair or  
307 replacement parts thereon and any accessories for and  
308 upgrades to such farm machinery and equipment and rotary  
309 mowers used for any agricultural purposes. For the purposes  
310 of this subdivision, "utility vehicle" shall mean any  
311 motorized vehicle manufactured and used exclusively for off-  
312 highway use which is more than fifty inches but no more than  
313 eighty inches in width, measured from outside of tire rim to  
314 outside of tire rim, with an unladen dry weight of three  
315 thousand five hundred pounds or less, traveling on four or  
316 six wheels;

317 (b) Supplies and lubricants used exclusively, solely,  
318 and directly for producing crops, raising and feeding  
319 livestock, fish, poultry, pheasants, chukar, quail, or for  
320 producing milk for ultimate sale at retail, including field  
321 drain tile; and

322 (c) One-half of each purchaser's purchase of diesel  
323 fuel therefor which is:

324 a. Used exclusively for agricultural purposes;

325 b. Used on land owned or leased for the purpose of  
326 producing farm products; and

327 c. Used directly in producing farm products to be sold  
328 ultimately in processed form or otherwise at retail or in  
329 producing farm products to be fed to livestock or poultry to  
330 be sold ultimately in processed form at retail;

331 (23) Except as otherwise provided in section 144.032,  
332 all sales of metered water service, electricity, electrical  
333 current, natural, artificial or propane gas, wood, coal or  
334 home heating oil for domestic use and in any city not within  
335 a county, all sales of metered or unmetered water service  
336 for domestic use:

337 (a) "Domestic use" means that portion of metered water  
338 service, electricity, electrical current, natural,  
339 artificial or propane gas, wood, coal or home heating oil,  
340 and in any city not within a county, metered or unmetered  
341 water service, which an individual occupant of a residential  
342 premises uses for nonbusiness, noncommercial or  
343 nonindustrial purposes. Utility service through a single or  
344 master meter for residential apartments or condominiums,  
345 including service for common areas and facilities and vacant  
346 units, shall be deemed to be for domestic use. Each seller  
347 shall establish and maintain a system whereby individual  
348 purchases are determined as exempt or nonexempt;

349 (b) Regulated utility sellers shall determine whether  
350 individual purchases are exempt or nonexempt based upon the  
351 seller's utility service rate classifications as contained  
352 in tariffs on file with and approved by the Missouri public  
353 service commission. Sales and purchases made pursuant to  
354 the rate classification "residential" and sales to and

355 purchases made by or on behalf of the occupants of  
356 residential apartments or condominiums through a single or  
357 master meter, including service for common areas and  
358 facilities and vacant units, shall be considered as sales  
359 made for domestic use and such sales shall be exempt from  
360 sales tax. Sellers shall charge sales tax upon the entire  
361 amount of purchases classified as nondomestic use. The  
362 seller's utility service rate classification and the  
363 provision of service thereunder shall be conclusive as to  
364 whether or not the utility must charge sales tax;

365 (c) Each person making domestic use purchases of  
366 services or property and who uses any portion of the  
367 services or property so purchased for a nondomestic use  
368 shall, by the fifteenth day of the fourth month following  
369 the year of purchase, and without assessment, notice or  
370 demand, file a return and pay sales tax on that portion of  
371 nondomestic purchases. Each person making nondomestic  
372 purchases of services or property and who uses any portion  
373 of the services or property so purchased for domestic use,  
374 and each person making domestic purchases on behalf of  
375 occupants of residential apartments or condominiums through  
376 a single or master meter, including service for common areas  
377 and facilities and vacant units, under a nonresidential  
378 utility service rate classification may, between the first  
379 day of the first month and the fifteenth day of the fourth  
380 month following the year of purchase, apply for credit or  
381 refund to the director of revenue and the director shall  
382 give credit or make refund for taxes paid on the domestic  
383 use portion of the purchase. The person making such  
384 purchases on behalf of occupants of residential apartments  
385 or condominiums shall have standing to apply to the director  
386 of revenue for such credit or refund;

387           (24) All sales of handicraft items made by the seller  
388 or the seller's spouse if the seller or the seller's spouse  
389 is at least sixty-five years of age, and if the total gross  
390 proceeds from such sales do not constitute a majority of the  
391 annual gross income of the seller;

392           (25) Excise taxes, collected on sales at retail,  
393 imposed by Sections 4041, 4071, 4081, 4091, 4161, 4181,  
394 4251, 4261 and 4271 of Title 26, United States Code. The  
395 director of revenue shall promulgate rules pursuant to  
396 chapter 536 to eliminate all state and local sales taxes on  
397 such excise taxes;

398           (26) Sales of fuel consumed or used in the operation  
399 of ships, barges, or waterborne vessels which are used  
400 primarily in or for the transportation of property or cargo,  
401 or the conveyance of persons for hire, on navigable rivers  
402 bordering on or located in part in this state, if such fuel  
403 is delivered by the seller to the purchaser's barge, ship,  
404 or waterborne vessel while it is afloat upon such river;

405           (27) All sales made to an interstate compact agency  
406 created pursuant to sections 70.370 to 70.441 or sections  
407 238.010 to 238.100 in the exercise of the functions and  
408 activities of such agency as provided pursuant to the  
409 compact;

410           (28) Computers, computer software and computer  
411 security systems purchased for use by architectural or  
412 engineering firms headquartered in this state. For the  
413 purposes of this subdivision, "headquartered in this state"  
414 means the office for the administrative management of at  
415 least four integrated facilities operated by the taxpayer is  
416 located in the state of Missouri;

417           (29) All livestock sales when either the seller is  
418 engaged in the growing, producing or feeding of such

419 livestock, or the seller is engaged in the business of  
420 buying and selling, bartering or leasing of such livestock;

421 (30) All sales of barges which are to be used  
422 primarily in the transportation of property or cargo on  
423 interstate waterways;

424 (31) Electrical energy or gas, whether natural,  
425 artificial or propane, water, or other utilities which are  
426 ultimately consumed in connection with the manufacturing of  
427 cellular glass products or in any material recovery  
428 processing plant as defined in subdivision (4) of this  
429 subsection;

430 (32) Notwithstanding other provisions of law to the  
431 contrary, all sales of pesticides or herbicides used in the  
432 production of crops, aquaculture, livestock or poultry;

433 (33) Tangible personal property and utilities  
434 purchased for use or consumption directly or exclusively in  
435 the research and development of agricultural/biotechnology  
436 and plant genomics products and prescription pharmaceuticals  
437 consumed by humans or animals;

438 (34) All sales of grain bins for storage of grain for  
439 resale;

440 (35) All sales of feed which are developed for and  
441 used in the feeding of pets owned by a commercial breeder  
442 when such sales are made to a commercial breeder, as defined  
443 in section 273.325, and licensed pursuant to sections  
444 273.325 to 273.357;

445 (36) All purchases by a contractor on behalf of an  
446 entity located in another state, provided that the entity is  
447 authorized to issue a certificate of exemption for purchases  
448 to a contractor under the provisions of that state's laws.  
449 For purposes of this subdivision, the term "certificate of  
450 exemption" shall mean any document evidencing that the  
451 entity is exempt from sales and use taxes on purchases

452 pursuant to the laws of the state in which the entity is  
453 located. Any contractor making purchases on behalf of such  
454 entity shall maintain a copy of the entity's exemption  
455 certificate as evidence of the exemption. If the exemption  
456 certificate issued by the exempt entity to the contractor is  
457 later determined by the director of revenue to be invalid  
458 for any reason and the contractor has accepted the  
459 certificate in good faith, neither the contractor or the  
460 exempt entity shall be liable for the payment of any taxes,  
461 interest and penalty due as the result of use of the invalid  
462 exemption certificate. Materials shall be exempt from all  
463 state and local sales and use taxes when purchased by a  
464 contractor for the purpose of fabricating tangible personal  
465 property which is used in fulfilling a contract for the  
466 purpose of constructing, repairing or remodeling facilities  
467 for the following:

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

472 (b) An exempt entity located outside the state if the  
473 exempt entity is authorized to issue an exemption  
474 certificate to contractors in accordance with the provisions  
475 of that state's law and the applicable provisions of this  
476 section;

477 (37) All sales or other transfers of tangible personal  
478 property to a lessor who leases the property under a lease  
479 of one year or longer executed or in effect at the time of  
480 the sale or other transfer to an interstate compact agency  
481 created pursuant to sections 70.370 to 70.441 or sections  
482 238.010 to 238.100;

483 (38) Sales of tickets to any collegiate athletic  
484 championship event that is held in a facility owned or

485 operated by a governmental authority or commission, a quasi-  
486 governmental agency, a state university or college or by the  
487 state or any political subdivision thereof, including a  
488 municipality, and that is played on a neutral site and may  
489 reasonably be played at a site located outside the state of  
490 Missouri. For purposes of this subdivision, "neutral site"  
491 means any site that is not located on the campus of a  
492 conference member institution participating in the event;

493 (39) All purchases by a sports complex authority  
494 created under section 64.920, and all sales of utilities by  
495 such authority at the authority's cost that are consumed in  
496 connection with the operation of a sports complex leased to  
497 a professional sports team;

498 (40) All materials, replacement parts, and equipment  
499 purchased for use directly upon, and for the modification,  
500 replacement, repair, and maintenance of aircraft, aircraft  
501 power plants, and aircraft accessories;

502 (41) Sales of sporting clays, wobble, skeet, and trap  
503 targets to any shooting range or similar places of business  
504 for use in the normal course of business and money received  
505 by a shooting range or similar places of business from  
506 patrons and held by a shooting range or similar place of  
507 business for redistribution to patrons at the conclusion of  
508 a shooting event;

509 (42) All sales of motor fuel, as defined in section  
510 142.800, used in any watercraft, as defined in section  
511 306.010;

512 (43) Any new or used aircraft sold or delivered in  
513 this state to a person who is not a resident of this state  
514 or a corporation that is not incorporated in this state, and  
515 such aircraft is not to be based in this state and shall not  
516 remain in this state more than ten business days subsequent  
517 to the last to occur of:



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

521           (b) The date of the return to service of the aircraft  
522 in accordance with 14 CFR 91.407 for any maintenance,  
523 preventive maintenance, rebuilding, alterations, repairs, or  
524 installations that are completed contemporaneously with the  
525 transfer of title to the aircraft to a person who is not a  
526 resident of this state or a corporation that is not  
527 incorporated in this state;

528           (44) Motor vehicles registered in excess of fifty-four  
529 thousand pounds, and the trailers pulled by such motor  
530 vehicles, that are actually used in the normal course of  
531 business to haul property on the public highways of the  
532 state, and that are capable of hauling loads commensurate  
533 with the motor vehicle's registered weight; and the  
534 materials, replacement parts, and equipment purchased for  
535 use directly upon, and for the repair and maintenance or  
536 manufacture of such vehicles. For purposes of this  
537 subdivision, "motor vehicle" and "public highway" shall have  
538 the meaning as ascribed in section 390.020;

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

543           (a) "Direct costs", costs incurred by a governmental  
544 authority solely because of an internet service provider's  
545 use of the public right-of-way. The term shall not include  
546 costs that the governmental authority would have incurred if  
547 the internet service provider did not make such use of the  
548 public right-of-way. Direct costs shall be determined in a  
549 manner consistent with generally accepted accounting  
550 principles;

551 (b) "Internet", computer and telecommunications  
552 facilities, including equipment and operating software, that  
553 comprises the interconnected worldwide network that employ  
554 the transmission control protocol or internet protocol, or  
555 any predecessor or successor protocols to that protocol, to  
556 communicate information of all kinds by wire or radio;

557 (c) "Internet access", a service that enables users to  
558 connect to the internet to access content, information, or  
559 other services without regard to whether the service is  
560 referred to as telecommunications, communications,  
561 transmission, or similar services, and without regard to  
562 whether a provider of the service is subject to regulation  
563 by the Federal Communications Commission as a common carrier  
564 under 47 U.S.C. Section 201, et seq. For purposes of this  
565 subdivision, internet access also includes: the purchase,  
566 use, or sale of communications services, including  
567 telecommunications services as defined in section 144.010,  
568 to the extent the communications services are purchased,  
569 used, or sold to provide the service described in this  
570 subdivision or to otherwise enable users to access content,  
571 information, or other services offered over the internet;  
572 services that are incidental to the provision of a service  
573 described in this subdivision, when furnished to users as  
574 part of such service, including a home page, electronic  
575 mail, and instant messaging, including voice-capable and  
576 video-capable electronic mail and instant messaging, video  
577 clips, and personal electronic storage capacity; a home page  
578 electronic mail and instant messaging, including voice-  
579 capable and video-capable electronic mail and instant  
580 messaging, video clips, and personal electronic storage  
581 capacity that are provided independently or that are not  
582 packed with internet access. As used in this subdivision,  
583 internet access does not include voice, audio, and video

584 programming or other products and services, except services  
585 described in this paragraph or this subdivision, that use  
586 internet protocol or any successor protocol and for which  
587 there is a charge, regardless of whether the charge is  
588 separately stated or aggregated with the charge for services  
589 described in this paragraph or this subdivision;

590 (d) "Tax", any charge imposed by the state or a  
591 political subdivision of the state for the purpose of  
592 generating revenues for governmental purposes and that is  
593 not a fee imposed for a specific privilege, service, or  
594 benefit conferred, except as described as otherwise under  
595 this subdivision, or any obligation imposed on a seller to  
596 collect and to remit to the state or a political subdivision  
597 of the state any gross retail tax, sales tax, or use tax  
598 imposed on a buyer by such a governmental entity. The term  
599 tax shall not include any franchise fee or similar fee  
600 imposed or authorized under sections 67.1830 to 67.1846 or  
601 section 67.2689; Section 622 or 653 of the Communications  
602 Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section  
603 573; or any other fee related to obligations of  
604 telecommunications carriers under the Communications Act of  
605 1934, 47 U.S.C. Section 151, et seq., except to the extent  
606 that:

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

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

617 Nothing in this subdivision shall be interpreted as an  
618 exemption from taxes due on goods or services that were  
619 subject to tax on January 1, 2016;

620 (46) All purchases by a company of solar photovoltaic  
621 energy systems, components used to construct a solar  
622 photovoltaic energy system, and all purchases of materials  
623 and supplies used directly to construct or make improvements  
624 to such systems, provided that such systems:

625 (a) Are sold or leased to an end user; or

626 (b) Are used to produce, collect and transmit  
627 electricity for resale or retail;

628 (47) All sales of diapers. For the purposes of this  
629 subdivision, "diapers" shall mean absorbent garments worn by  
630 infants or toddlers who are not toilet-trained or by  
631 individuals who are incapable of controlling their bladder  
632 or bowel movements;

633 (48) All sales of feminine hygiene products. For the  
634 purposes of this subdivision, "feminine hygiene products"  
635 shall mean tampons, pads, liners, and cups.

636 3. Any ruling, agreement, or contract, whether written  
637 or oral, express or implied, between a person and this  
638 state's executive branch, or any other state agency or  
639 department, stating, agreeing, or ruling that such person is  
640 not required to collect sales and use tax in this state  
641 despite the presence of a warehouse, distribution center, or  
642 fulfillment center in this state that is owned or operated  
643 by the person or an affiliated person shall be null and void  
644 unless it is specifically approved by a majority vote of  
645 each of the houses of the general assembly. For purposes of  
646 this subsection, an "affiliated person" means any person  
647 that is a member of the same controlled group of  
648 corporations as defined in Section 1563(a) of the Internal  
649 Revenue Code of 1986, as amended, as the vendor or any other

650 entity that, notwithstanding its form of organization, bears  
651 the same ownership relationship to the vendor as a  
652 corporation that is a member of the same controlled group of  
653 corporations as defined in Section 1563(a) of the Internal  
654 Revenue Code, as amended."; and  
655 Further amend the title and enacting clause accordingly.