

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 582
94TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means April 26, 2007 with recommendation that House Committee Substitute for Senate Bill No. 582 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2375L.02C

AN ACT

To repeal sections 52.290, 52.312, 52.315, 52.317, 52.361, 52.370, 55.140, 55.190, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2505, 67.2510, 71.011, 71.012, 89.010, 89.400, 94.660, 135.010, 135.030, 137.106, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 140.730, 141.150, 141.440, 141.500, 141.540, 141.640, 143.431, 144.030, 144.070, 144.440, 144.517, 144.518, 165.071, and 320.093, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session and to enact in lieu thereof fifty-nine new sections relating to taxation.

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

Section A. Sections 52.290, 52.312, 52.315, 52.317, 52.361, 52.370, 55.140, 55.190,
2 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2505, 67.2510, 71.011, 71.012,
3 89.010, 89.400, 94.660, 135.010, 135.030, 137.106, 139.031, 139.140, 139.150, 139.210,
4 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 140.340, 140.405, 140.420, 140.730, 141.150, 141.440, 141.500, 141.540, 141.640, 143.431,
6 144.030, 144.070, 144.440, 144.517, 144.518, 165.071, and 320.093, RSMo, and section
7 67.2505 as enacted by conference committee substitute for senate substitute for senate committee
8 substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with
9 house substitute for senate committee substitute for senate bill no. 1155, ninety-second general
10 assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate
11 committee substitute for house committee substitute for house bill no. 833 merged with house
12 committee substitute for senate substitute for senate bill no. 732, ninety-second general
13 assembly, second regular session are repealed and fifty-nine new sections enacted in lieu thereof,
14 to be known as sections 52.290, 52.312, 52.315, 52.317, 52.361, 52.370, 55.140, 55.190,
15 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2505, 67.2510, 71.011, 71.012,
16 89.010, 89.400, 94.660, 135.010, 135.030, 135.090, 135.610, 137.106, 139.031, 139.140,
17 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260,
18 140.290, 140.310, 140.340, 140.405, 140.420, 140.730, 141.150, 141.440, 141.500, 141.540,
19 141.640, 143.431, 144.030, 144.053, 144.055, 144.070, 144.440, 144.518, 165.071, 320.093, and
20 1, to read as follows:

52.290. 1. In all counties except counties [of the first classification] having a charter
2 form of government and any city not within a county, the collector shall collect on behalf of the
3 county a fee for the collection of delinquent and back taxes of seven percent on all sums
4 collected to be added to the face of the tax bill and collected from the party paying the tax.
5 Two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into
6 the county general fund, two-sevenths of the fees collected pursuant to the provisions of this
7 section shall be paid into the tax maintenance fund of the county as required by section 52.312
8 and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid
9 into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.
10 2. In all counties [of the first classification] having a charter form of government and any
11 city not within a county, the collector shall collect on behalf of the county and pay into the
12 county general fund a fee for the collection of delinquent and back taxes of two percent on all
13 sums collected to be added to the face of the tax bill and collected from the party paying the tax
14 except that in a county with a charter form of government and with more than two hundred fifty
15 thousand but less than [three] **seven** hundred [fifty] thousand inhabitants, the collector shall
16 collect on behalf of the county a fee for the collection of delinquent and back taxes of three
17 percent on all sums collected to be added to the face of the tax bill and collected from the party
18 paying the tax. [Two-thirds of the fees collected pursuant to the provisions of this section shall
19 be paid into the county general fund and one-third of the fees collected pursuant to this section
20 shall be paid into the tax maintenance fund of the county as required by section 52.312, RSMo.]

21 **If a county is required by section 52.312 to establish a tax maintenance fund, one-third of**
22 **the fees collected under this subsection shall be paid into that fund; otherwise, all fees**
23 **collected under the provisions of this subsection shall be paid into the county general fund.**

24 3. Such county collector may accept credit cards as proper form of payment of
25 outstanding delinquent and back taxes due. No county collector may charge a surcharge for
26 payment by credit card.

52.312. Notwithstanding any provisions of law to the contrary, in addition to fees
2 provided for in this chapter, or any other provisions of law in conflict with the provisions of this
3 section, all counties, including [a] **any** county with a charter form of government and with more
4 than two hundred fifty thousand but less than [three] **seven** hundred [fifty] thousand inhabitants,
5 other than counties of the first classification having a charter form of government and any city
6 not within a county, subject to the provisions of this section, shall establish a fund to be known
7 as the "Tax Maintenance Fund" to be used solely as a depository for funds received or collected
8 for the purpose of funding additional costs and expenses incurred in the office of collector.

52.315. 1. The two-sevenths collected to fund the tax maintenance fund [pursuant to]
2 **under subdivision (1) of section 52.290 and all moneys collected to fund the tax**
3 **maintenance fund under subdivision (2) of section 52.290** shall be transmitted monthly for
4 deposit into the tax maintenance fund and used for additional administration and operation costs
5 for the office of collector. Any costs shall include, but shall not be limited to, those costs that
6 require any additional out-of-pocket expense by the office of collector and it may include
7 reimbursement to county general revenue for the salaries of employees of the office of collector
8 for hours worked and any other expenses necessary to conduct and execute the duties and
9 responsibilities of such office.

10 2. The tax maintenance fund may also be used by the collector for training, purchasing
11 new or upgrading information technology, equipment or other essential administrative expenses
12 necessary to carry out the duties and responsibilities of the office of collector, including anything
13 necessarily pertaining thereto.

14 3. The collector has the sole responsibility for all expenditures made from the tax
15 maintenance fund and shall approve all expenditures from such fund. All such expenditures
16 from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of
17 county general revenue for the operation of the office of collector.

18 4. The tax maintenance fund may be audited by the appropriate auditing agency. Any
19 unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year
20 with interest.

52.317. 1. Any county subject to the provisions of section 52.312 shall provide moneys
2 for budget purposes in an amount not less than the approved budget in the previous year and

3 shall include the same percentage adjustments in compensation as provided for other county
4 employees as effective January first each year. Any moneys accumulated and remaining in the
5 tax maintenance fund as of December thirty-first each year in all counties of the first
6 classification [without a charter form of government] and any county with a charter form of
7 government and with more than two hundred fifty thousand but less than [three] **seven** hundred
8 [fifty] thousand inhabitants shall be limited to an amount equal to one-half of the previous year's
9 approved budget for the office of collector, and any moneys accumulated and remaining in the
10 tax maintenance fund as of December thirty-first each year in all counties other than counties of
11 the first classification and any city not within a county, which collect more than four million
12 dollars of all current taxes charged to be collected, shall be limited to an amount equal to the
13 previous year's approved budget for the office of collector. Any moneys remaining in the tax
14 maintenance fund as of December thirty-first each year that exceed the above-established limits
15 shall be transferred to county general revenue by the following January fifteenth of each year.

16 2. For one-time expenditures directly attributable to any department, office, institution,
17 commission, or county court, the county commission may budget such expenses in a common
18 fund or account so that any such expenditures separately budgeted do not appear in any specific
19 department, county office, institution, commission, or court budget.

52.361. It shall be the duty of the county collector in all counties of the first class not
2 having a charter form of government and in class two counties to prepare and keep in [his] **the**
3 **collector's** office, **electronically or otherwise**, back tax books which shall contain and list all
4 delinquent taxes on real and personal property levied and assessed in the county which remain
5 due and unpaid after the first day of January of each year. Such back tax books shall replace and
6 be in lieu of all "delinquent lists" and other back tax books heretofore prepared by the collector
7 or other county officer.

52.370. All money disbursed by the county collector in counties of the first class not
2 having a charter form of government and in counties of the second class by virtue of [his] **the**
3 **collector's** office shall be paid by check signed by the collector [and countersigned by the auditor
4 of the county] , **except that the collector may disburse money by electronic transfer of funds**
5 **from the collector's account into the accounts of the appropriate taxing entities.**

55.140. The county auditor of each county of the first class not having a charter form of
2 government and of each county of the second class shall [countersign] **have access to and**
3 **periodically examine all records, collections, and settlements for** all licenses issued by the
4 county [and shall keep a record of the number, date of issue, the name of the party or parties to
5 whom issued, the occupation, the expiration thereof, and amount of money paid therefor, and to
6 whom paid].

55.190. The county collector of revenue of each county of the first class not having a
2 charter form of government and of each county of the second class shall make [a daily]
3 **available, electronically or otherwise, a** report to the auditor of receipts, **deposits**, and balance
4 in [his] **the collector's** hands[, and where deposited, and shall deliver to the auditor each day a
5 deposit slip showing the day's deposit]. The collector shall, upon receiving taxes, give
6 [duplicate] a numbered tax [receipts, which] **receipt to** the taxpayer [shall take to the auditor to
7 be countersigned by him, one of which the auditor shall retain, and charge the amount thereof
8 to the collector]. The collector shall also make **available, electronically or otherwise, a** [daily]
9 report to the auditor of all other sums of money collected by [him] **the collector** from any source
10 whatsoever, and in such report shall state [from whom collected, and] on what account[, which
11 sums shall be charged by the auditor to the collector] **collected**. The collector shall[, upon
12 turning] **turn** money over to the county treasurer[, take duplicate receipts therefor and file same
13 immediately with the county auditor] **under section 139.210, RSMo**.

67.1003. 1. The governing body of any city or county, other than a city or county already
2 imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and
3 motels situated in such city or county or a portion thereof pursuant to any other law of this state,
4 having more than three hundred fifty hotel and motel rooms inside such city or county or (1) a
5 county of the third classification with a population of more than seven thousand but less than
6 seven thousand four hundred inhabitants; (2) or a third class city with a population of greater
7 than ten thousand but less than eleven thousand located in a county of the third classification
8 with a township form of government with a population of more than thirty thousand; (3) or a
9 county of the third classification with a township form of government with a population of more
10 than twenty thousand but less than twenty-one thousand; (4) or any third class city with a
11 population of more than eleven thousand but less than thirteen thousand which is located in a
12 county of the third classification with a population of more than twenty-three thousand but less
13 than twenty-six thousand; (5) or any city of the third classification with more than ten thousand
14 five hundred but fewer than ten thousand six hundred inhabitants; **(6) or any city of the third**
15 **classification with more than twenty-six thousand three hundred but fewer than twenty-six**
16 **thousand seven hundred inhabitants** may impose a tax on the charges for all sleeping rooms
17 paid by the transient guests of hotels or motels situated in the city or county or a portion thereof,
18 which shall be not more than five percent per occupied room per night, except that such tax shall
19 not become effective unless the governing body of the city or county submits to the voters of the
20 city or county at a state general or primary election a proposal to authorize the governing body
21 of the city or county to impose a tax pursuant to this section. The tax authorized by this section
22 shall be in addition to the charge for the sleeping room and shall be in addition to any and all

23 taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for
24 the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

25 2. Notwithstanding any other provision of law to the contrary, the tax authorized in this
26 section shall not be imposed in any city or county already imposing such tax pursuant to any
27 other law of this state, except that cities of the third class having more than two thousand five
28 hundred hotel and motel rooms, and located in a county of the first classification in which and
29 where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and
30 motels situated in such county is imposed, may impose the tax authorized by this section of not
31 more than one-half of one percent per occupied room per night.

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

34 Shall (insert the name of the city or county) impose a tax on the charges for all sleeping
35 rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a
36 rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

37 ☐ YES

☐ NO

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

67.1360. The governing body of:

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

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

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

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

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

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

- 20 (7) Any fourth class city having a population of more than two thousand five hundred
21 but less than three thousand inhabitants in a county of the third classification having a population
22 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- 23 (8) Any third class city with a population of more than three thousand two hundred but
24 less than three thousand three hundred located in a county of the third classification having a
25 population of more than thirty-five thousand but less than thirty-six thousand;
- 26 (9) Any county of the second classification without a township form of government and
27 a population of less than thirty thousand;
- 28 (10) Any city of the fourth class in a county of the second classification without a
29 township form of government and a population of less than thirty thousand;
- 30 (11) Any county of the third classification with a township form of government and a
31 population of at least twenty-eight thousand but not more than thirty thousand;
- 32 (12) Any city of the fourth class with a population of more than one thousand eight
33 hundred but less than two thousand in a county of the third classification with a township form
34 of government and a population of at least twenty-eight thousand but not more than thirty
35 thousand;
- 36 (13) Any city of the third class with a population of more than seven thousand two
37 hundred but less than seven thousand five hundred within a county of the third classification with
38 a population of more than twenty-one thousand but less than twenty-three thousand;
- 39 (14) Any fourth class city having a population of more than two thousand eight hundred
40 but less than three thousand one hundred inhabitants in a county of the third classification with
41 a township form of government having a population of more than eight thousand four hundred
42 but less than nine thousand inhabitants;
- 43 (15) Any fourth class city with a population of more than four hundred seventy but less
44 than five hundred twenty inhabitants located in a county of the third classification with a
45 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 46 (16) Any third class city with a population of more than three thousand eight hundred
47 but less than four thousand inhabitants located in a county of the third classification with a
48 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 49 (17) Any fourth class city with a population of more than four thousand three hundred
50 but less than four thousand five hundred inhabitants located in a county of the third classification
51 without a township form of government with a population greater than sixteen thousand but less
52 than sixteen thousand two hundred inhabitants;
- 53 (18) Any fourth class city with a population of more than two thousand four hundred but
54 less than two thousand six hundred inhabitants located in a county of the first classification

55 without a charter form of government with a population of more than fifty-five thousand but less
56 than sixty thousand inhabitants;

57 (19) Any fourth class city with a population of more than two thousand five hundred but
58 less than two thousand six hundred inhabitants located in a county of the third classification with
59 a population of more than nineteen thousand one hundred but less than nineteen thousand two
60 hundred inhabitants;

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

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

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

70 (23) Any city of the fourth classification with more than five thousand two hundred but
71 less than five thousand three hundred inhabitants located in a county of the third classification
72 without a township form of government and with more than twenty-four thousand five hundred
73 but less than twenty-four thousand six hundred inhabitants;

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

78 (25) Any city of the fourth classification with more than two thousand six hundred but
79 less than two thousand seven hundred inhabitants located in any county of the third classification
80 without a township form of government and with more than fifteen thousand three hundred but
81 less than fifteen thousand four hundred inhabitants;

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

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

86 (28) Any city of the fourth classification with more than six thousand three hundred but
87 fewer than six thousand five hundred inhabitants and located in more than one county **through**
88 **the creation of a tourism district which may include, in addition to the geographic area of**
89 **such city, the area encompassed by the portion of the school district, located within a**
90 **county of the first classification with more than ninety-three thousand eight hundred but**

91 **fewer than ninety-three thousand nine hundred inhabitants, having an average daily**
92 **attendance for school year 2005-2006 between one thousand eight hundred and one**
93 **thousand nine hundred;**

94 (29) Any city of the fourth classification with more than seven thousand seven hundred
95 but less than seven thousand eight hundred inhabitants located in a county of the first
96 classification with more than ninety-three thousand eight hundred but less than ninety-three
97 thousand nine hundred inhabitants;

98 (30) Any city of the fourth classification with more than two thousand nine hundred but
99 less than three thousand inhabitants located in a county of the first classification with more than
100 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred
101 inhabitants; or

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

104

105 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,
106 motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to
107 recreational boats which are used by transients for sleeping, which shall be at least two percent,
108 but not more than five percent per occupied room per night, except that such tax shall not
109 become effective unless the governing body of the city or county submits to the voters of the city
110 or county at a state general, primary or special election, a proposal to authorize the governing
111 body of the city or county to impose a tax pursuant to the provisions of this section and section
112 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
113 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
114 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
115 of tourism. Such tax shall be stated separately from all other charges and taxes.

67.1451. 1. If a district is a political subdivision, the election and qualifications of
2 members to the district's board of directors shall be in accordance with this section. If a district
3 is a not-for-profit corporation, the election and qualification of members to its board of directors
4 shall be in accordance with chapter 355, RSMo.

5 2. The district shall be governed by a board consisting of at least five but not more than
6 thirty directors. Each director shall, during his or her entire term, be:

7 (1) At least eighteen years of age; and

8 (2) Be either:

9 (a) An owner, as defined in section 67.1401, of real property or of a business operating
10 within the district; or

11 (b) [If in a home rule city with more than one hundred fifty-one thousand five hundred
12 but fewer than one hundred fifty-one thousand six hundred inhabitants, a legally authorized
13 representative of an owner of real property located within the district. If there are less than five
14 owners of real property located within a district, the board may be comprised of up to five legally
15 authorized representatives of any of the owners of real property located within the district; or

16 (c)] A registered voter residing within the district; and

17 (3) Any other qualifications set forth in the petition establishing the district.

18

19 **If there are fewer than five owners of real property located within a district, the board may**
20 **be comprised of up to five legally authorized representatives of any of the owners of real**
21 **property located within the district.**

22 3. If the district is a political subdivision, the board shall be elected or appointed, as
23 provided in the petition.

24 4. If the board is to be elected, the procedure for election shall be as follows:

25 (1) The municipal clerk shall specify a date on which the election shall occur which date
26 shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the
27 fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

28 (2) The election shall be conducted in the same manner as provided for in section
29 67.1551, provided that the published notice of the election shall contain the information required
30 by section 67.1551 for published notices, except that it shall state that the purpose of the election
31 is for the election of directors, in lieu of the information related to taxes;

32 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
33 the second Tuesday after the effective date of the ordinance establishing the district with the
34 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
35 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
36 ballot as a candidate for director;

37 (4) The director or directors to be elected shall be elected at large. The person receiving
38 the most votes shall be elected to the position having the longest term; the person receiving the
39 second highest votes shall be elected to the position having the next longest term and so forth.
40 For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for
41 a two-year term, one-half shall serve for a four-year term and if an odd number of directors are
42 elected, the director receiving the least number of votes shall serve for a two-year term, until
43 such director's successor is elected. For any district formed on or after August 28, 2003, for the
44 initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term
45 specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of

46 directors are elected, the director receiving the least number of votes shall serve for a two-year
47 term, until such director's successor is elected;

48 (5) Successor directors shall be elected in the same manner as the initial directors. The
49 date of the election of successor directors shall be specified by the municipal clerk which date
50 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
51 expiring director. Each successor director shall serve a term for the length specified prior to the
52 election by the district, which term shall be at least three years and not more than four years, and
53 shall continue until such director's successor is elected. In the event of a vacancy on the board
54 of directors, the remaining directors shall elect an interim director to fill the vacancy for the
55 unexpired term.

56 5. If the petition provides that the board is to be appointed by the municipality, such
57 appointments shall be made by the chief elected officer of the municipality with the consent of
58 the governing body of the municipality. For any district formed prior to August 28, 2003, of the
59 initial appointed directors, one-half of the directors shall be appointed to serve for a two-year
60 term and the remaining one-half shall be appointed to serve for a four-year term until such
61 director's successor is appointed; provided that, if there is an odd number of directors, the last
62 person appointed shall serve a two-year term. For any district formed on or after August 28,
63 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term,
64 and one-half shall be appointed to serve for the term specified by the district for successor
65 directors pursuant to this subsection, and if an odd number of directors are appointed, the last
66 person appointed shall serve for a two-year term; provided that each director shall serve until
67 such director's successor is appointed. Successor directors shall be appointed in the same manner
68 as the initial directors and shall serve for a term of years specified by the district prior to the
69 appointment, which term shall be at least three years and not more than four years.

70 6. If the petition states the names of the initial directors, those directors shall serve for
71 the terms specified in the petition and successor directors shall be determined either by the
72 above-listed election process or appointment process as provided in the petition.

73 7. Any director may be removed for cause by a two-thirds affirmative vote of the
74 directors of the board. Written notice of the proposed removal shall be given to all directors
75 prior to action thereon.

76 8. The board is authorized to act on behalf of the district, subject to approval of qualified
77 voters as required in this section; except that, all official acts of the board shall be by written
78 resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power
2 has been limited by the petition approved by the governing body of the municipality to establish

3 the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401
4 to 67.1571 including, but not limited to, the following:

5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to
6 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

7 (2) To sue and be sued;

8 (3) To make and enter into contracts and other instruments, with public and private
9 entities, necessary or convenient to exercise its powers and carry out its duties pursuant to
10 sections 67.1401 to 67.1571;

11 (4) To accept grants, guarantees and donations of property, labor, services, or other
12 things of value from any public or private source;

13 (5) To employ or contract for such managerial, engineering, legal, technical, clerical,
14 accounting, or other assistance as it deems advisable;

15 (6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real
16 property within its boundaries, personal property, or any interest in such property;

17 (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise
18 encumber or dispose of any real or personal property or any interest in such property;

19 (8) To levy and collect special assessments and taxes as provided in sections 67.1401
20 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from
21 taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to
22 subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of
23 sections 67.1401 to 67.1571;

24 (9) If the district is a political subdivision, to levy real property taxes and business
25 license taxes in the county seat of a county of the first classification containing a population of
26 at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such
27 assessments or taxes shall be levied on any property exempt from taxation pursuant to
28 subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2)
29 and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections
30 67.1401 to 67.1571;

31 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections
32 67.1401 to 67.1571;

33 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the
34 following:

35 (a) The district's real property, except for public rights-of-way for utilities;

36 (b) The district's personal property, except in a city not within a county; or

37 (c) Any of the district's interests in such real or personal property, except for public
38 rights-of-way for utilities;

- 39 (12) To borrow money from any public or private source and issue obligations and
40 provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- 41 (13) To loan money as provided in sections 67.1401 to 67.1571;
- 42 (14) To make expenditures, create reserve funds, and use its revenues as necessary to
43 carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- 44 (15) To enter into one or more agreements with the municipality for the purpose of
45 abating any public nuisance within the boundaries of the district including, but not limited to,
46 the stabilization, repair or maintenance or demolition and removal of buildings or structures,
47 provided that the municipality has declared the existence of a public nuisance;
- 48 (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install,
49 repair, maintain, and equip any of the following public improvements:
- 50 (a) Pedestrian or shopping malls and plazas;
- 51 (b) Parks, lawns, trees, and any other landscape;
- 52 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
- 53 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
54 signs and signals, utilities, drainage, water, storm and sewer systems, and other site
55 improvements;
- 56 (e) Parking lots, garages, or other facilities;
- 57 (f) Lakes, dams, and waterways;
- 58 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
59 awnings, canopies, walls, and barriers;
- 60 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and
61 kiosks;
- 62 (i) Paintings, murals, display cases, sculptures, and fountains;
- 63 (j) Music, news, and child-care facilities; and
- 64 (k) Any other useful, necessary, or desired improvement;
- 65 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
66 parks, and other real property and improvements located within its boundaries for public use;
- 67 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict
68 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
69 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- 70 (19) Within its boundaries, to operate or to contract for the provision of music, news,
71 child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
- 72 (20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;
- 73 (21) Within its boundaries, to provide or contract for the provision of security personnel,
74 equipment, or facilities for the protection of property and persons;

75 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other
76 services to public and private property;

77 (23) To produce and promote any tourism, recreational or cultural activity or special
78 event in the district by, but not limited to, advertising, decoration of any public place in the
79 district, promotion of such activity and special events, and furnishing music in any public place;

80 (24) To support business activity and economic development in the district including,
81 but not limited to, the promotion of business activity, development and retention, and the
82 recruitment of developers and businesses;

83 (25) To provide or support training programs for employees of businesses within the
84 district;

85 (26) To provide refuse collection and disposal services within the district;

86 (27) To contract for or conduct economic, planning, marketing or other studies;

87 (28) To repair, restore, or maintain any abandoned cemetery on public or private land
88 within the district; and

89 (29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

90 2. Each district which is located in a blighted area or which includes a blighted area shall
91 have the following additional powers:

92 (1) Within its blighted area, to contract with any private property owner to demolish and
93 remove, renovate, **construct**, reconstruct, or rehabilitate any building or structure owned by such
94 private property owner; and

95 (2) To expend its revenues or loan its revenues pursuant to a contract entered into
96 pursuant to this subsection, provided that the governing body of the municipality has determined
97 that the action to be taken pursuant to such contract is reasonably anticipated to remediate the
98 blighting conditions and will serve a public purpose.

99 3. Each district shall annually reimburse the municipality for the reasonable and actual
100 expenses incurred by the municipality to establish such district and review annual budgets and
101 reports of such district required to be submitted to the municipality; provided that, such annual
102 reimbursement shall not exceed one and one-half percent of the revenues collected by the district
103 in such year.

104 4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district
105 any sovereign right of municipalities to promote order, safety, health, morals, and general
106 welfare of the public, except those such police powers, if any, expressly delegated pursuant to
107 sections 67.1401 to 67.1571.

108 5. The governing body of the municipality establishing the district shall not decrease the
109 level of publicly funded services in the district existing prior to the creation of the district or
110 transfer the financial burden of providing the services to the district unless the services at the

111 same time are decreased throughout the municipality, nor shall the governing body discriminate
112 in the provision of the publicly funded services between areas included in such district and areas
113 not so included.

67.1545. 1. **Notwithstanding the provisions of Chapter 115, RSMo, an election for**
2 **district sales and use tax under sections 67.1401 to 67.1571 shall be construed in**
3 **accordance with the provisions of this section.** Any district formed as a political subdivision
4 may impose by resolution a district sales and use tax on all retail sales made in such district
5 which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of
6 motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use
7 tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent,
8 up to a maximum of one percent. Such district sales and use tax may be imposed for any district
9 purpose designated by the district in its ballot of submission to its qualified voters; except that,
10 no resolution adopted pursuant to this section shall become effective unless the board of directors
11 of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to
12 authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the
13 qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is
14 adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then
15 the resolution is void.

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

17 Shall the (insert name of district) Community Improvement District
18 impose a community improvement districtwide sales and use tax at the maximum rate of
19 (insert amount) for a period of (insert number) years from the date on
20 which such tax is first imposed for the purpose of providing revenue for
21 (insert general description of the purpose)?

22 ☐ YES

☐ NO

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

26 3. Within ten days after the qualified voters have approved the imposition of the sales
27 and use tax, the district shall, in accordance with section [32.097] **32.087**, RSMo, notify the
28 director of the department of revenue. The sales and use tax authorized by this section shall
29 become effective on the first day of the second calendar quarter after the director of the
30 department of revenue receives notice of the adoption of such tax.

31 4. The director of the department of revenue shall collect any tax adopted pursuant to this
32 section pursuant to section 32.087, RSMo.

33 5. In each district in which a sales and use tax is imposed pursuant to this section, every
34 retailer shall add such additional tax imposed by the district to such retailer's sale price, and when
35 so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser
36 to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

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

41 7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to
42 violations of this section.

43 8. All revenue received by the district from a sales and use tax imposed pursuant to this
44 section which is designated for a specific purpose shall be deposited into a special trust fund and
45 expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant
46 to this section, all funds remaining in the special trust fund shall continue to be used solely for
47 the specific purpose designated in the resolution adopted by the qualified voters. Any funds in
48 such special trust fund which are not needed for current expenditures may be invested by the
49 board of directors pursuant to applicable laws relating to the investment of other district funds.

50 9. A district may repeal by resolution any sales and use tax imposed pursuant to this
51 section before the expiration date of such sales and use tax unless the repeal of such sales and
52 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
53 the district has borrowed or obligation the district has issued to finance any improvements or
54 services rendered for the district.

67.2500. 1. **A theater, cultural arts, and entertainment district may be established**
2 **in the manner provided in section 67.2505 by the governing body of any county, city, town,**
3 **or village that has adopted transect-based zoning under chapter 89, RSMo, any county**
4 **described in this subsection, or any city, town, or village that is within [a first class county**
5 **with a charter form of government with a population over two hundred fifty thousand that**
6 **adjoins a first class county with a charter form of government with a population over nine**
7 **hundred thousand, or that is within] such counties:**

8 **(1) Any county with a charter form of government and with more than two hundred fifty**
9 **thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural**
10 **arts, and entertainment district in the manner provided in section 67.2505] ;**

11 **(2) Any county of the first classification with more than ninety-three thousand eight**
12 **hundred but fewer than ninety-three thousand nine hundred inhabitants;**

13 **(3) Any county of the first classification with more than one hundred eighty-four**
14 **thousand but fewer than one hundred eighty-eight thousand inhabitants;**

15 (4) Any county with a charter form of government and with more than six hundred
16 thousand but fewer than seven hundred thousand inhabitants;

17 (5) Any county of the first classification with more than one hundred thirty-five
18 thousand four hundred but fewer than one hundred thirty-five thousand five hundred
19 inhabitants;

20 (6) Any county of the first classification with more than one hundred four thousand
21 six hundred but fewer than one hundred four thousand seven hundred inhabitants.

22 2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural Arts, and
23 Entertainment District Act".

24 3. As used in sections 67.2500 to 67.2530, the following terms mean:

25 (1) "District", a theater, cultural arts, and entertainment district organized under this
26 section;

27 (2) "Qualified electors", "qualified voters", or "voters", registered voters residing within
28 the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant
29 to chapter 115, RSMo, or, if there are no persons eligible to be registered voters residing in the
30 district or subdistrict, proposed district or subdistrict, property owners, including corporations
31 and other entities, that are owners of real property;

32 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,
33 RSMo; and

34 (4) "Subdistrict", a subdivision of a district, but not a separate political subdivision,
35 created for the purposes specified in subsection 5 of section 67.2505.

67.2505. 1. A district may be created to fund, promote, and provide educational, civic,
2 musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events
3 or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public
4 improvements, **infrastructure**, transportation projects, and related facilities in the district.

5 2. A district is a political subdivision of the state.

6 3. The name of a district shall consist of a name chosen by the original petitioners,
7 preceding the words "theater, cultural arts, and entertainment district".

8 4. The district shall include a minimum of [fifty] **twenty-five** contiguous acres.

9 5. Subdistricts shall be formed for the purpose of voting upon proposals for the creation
10 of the district or subsequent proposed subdistrict, voting upon the question of imposing a
11 proposed sales tax, and for representation on the board of directors, and for no other purpose.

12 6. Whenever the creation of a district is desired, one or more registered voters from each
13 subdistrict of the proposed district, or one or more property owners who collectively own one
14 or more parcels of real estate comprising at least a majority of the land situated in the proposed
15 subdistricts within the proposed district, may file a petition requesting the creation of a district

16 with the governing body of the city, town, or village within which the proposed district is to be
17 established. The petition shall contain the following information:

18 (1) The name, address, and phone number of each petitioner and the location of the real
19 property owned by the petitioner;

20 (2) The name of the proposed district;

21 (3) A legal description of the proposed district, including a map illustrating the district
22 boundaries, which shall be contiguous, and the division of the district into at least five, but not
23 more than fifteen, subdistricts that shall contain, or are projected to contain upon full
24 development of the subdistricts, approximately equal populations;

25 (4) A statement indicating the number of directors to serve on the board, which shall be
26 not less than five or more than fifteen;

27 (5) A request that the district be established;

28 (6) A general description of the activities that are planned for the district;

29 (7) A proposal for a sales tax to fund the district initially, pursuant to the authority
30 granted in sections 67.2500 to 67.2530, together with a request that the imposition of the sales
31 tax be submitted to the qualified voters within the district;

32 (8) A statement that the proposed district shall not be an undue burden on any owner of
33 property within the district and is not unjust or unreasonable;

34 (9) A request that the question of the establishment of the district be submitted to the
35 qualified voters of the district;

36 (10) A signed statement that the petitioners are authorized to submit the petition to the
37 governing body; and

38 (11) Any other items the petitioners deem appropriate.

39 7. Upon the filing of a petition pursuant to this section, the governing body of any city,
40 town, or village described in this section [may] **shall** pass a resolution containing the following
41 information:

42 (1) A description of the boundaries of the proposed district and each subdistrict;

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

45 (3) The time frame and manner for the filing of protests;

46 (4) The proposed sales tax rate to be voted upon within the subdistricts of the proposed
47 district;

48 (5) The proposed uses for the revenue to be generated by the new sales tax; and

49 (6) Such other matters as the governing body may deem appropriate.

50 8. Prior to the governing body certifying the question of the district's creation and
51 imposing a sales tax for approval by the qualified electors, a hearing shall be held as provided

52 by this subsection. The governing body of the municipality approving a resolution as set forth
53 in subsection 7 of this section shall:

54 (1) Publish notice of the hearing, which shall include the information contained in the
55 resolution cited in subsection 7 of this section, on two separate occasions in at least one
56 newspaper of general circulation in the county where the proposed district is located, with the
57 first publication to occur not more than thirty days before the hearing, and the second publication
58 to occur not more than fifteen days or less than ten days before the hearing;

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

61 (3) Consider all protests, which determinations shall be final.
62

63 The costs of printing and publication of the notice shall be paid by the petitioners. If the district
64 is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be reimbursed for such
65 costs out of the revenues received by the district.

66 9. Following the hearing, the governing body of any city, town, or village within which
67 the proposed district will be located may order an election on the questions of the district
68 creation and sales tax funding for voter approval and certify the questions to the municipal clerk.
69 The election order shall include the date on which the ballots will be mailed to qualified electors,
70 which shall be not sooner than the eighth Tuesday from the issuance of the order. The election
71 regarding the incorporation of the district and the imposing of the sales tax shall follow the
72 procedure set forth in section 67.2520, and shall be held pursuant to the order and certification
73 by the governing body. Only those subdistricts approving the question of creating the district
74 and imposing the sales tax shall become part of the district.

75 10. If the results of the election conducted in accordance with section 67.2520 show that
76 a majority of the votes cast were in favor of organizing the district and imposing the sales tax,
77 the governing body may establish the proposed district in those subdistricts approving the
78 question of creating the district and imposing the sales tax by adopting an ordinance to that
79 effect. The ordinance establishing the district shall contain the following:

80 (1) The description of the boundaries of the district and each subdistrict;

81 (2) A statement that a theater, cultural arts, and entertainment district has been
82 established;

83 (3) A declaration that the district is a political subdivision of the state;

84 (4) The name of the district;

85 (5) The date on which the sales tax election in the subdistricts was held, and the result
86 of the election;

87 (6) The uses for any revenue generated by a sales tax imposed pursuant to this section;

88 (7) A certification to the newly created district of the election results, including the
89 election concerning the sales tax; and

90 (8) Such other matters as the governing body deems appropriate.

91 11. Any subdistrict that does not approve the creation of the district and imposing the
92 sales tax shall not be a part of the district and the sales tax shall not be imposed until after the
93 district board of directors has submitted another proposal for the inclusion of the area into the
94 district and such proposal and the sales tax proposal are approved by a majority of the qualified
95 voters in the subdistrict voting thereon. Such subsequent elections shall be conducted in
96 accordance with section 67.2520; provided, however, that the district board of directors may
97 place the question of the inclusion of a subdistrict within a district and the question of imposing
98 a sales tax before the voters of a proposed subdistrict, and the municipal clerk, or circuit clerk
99 if the district is formed by the circuit court, shall conduct the election. In subsequent elections,
100 the election judges shall certify the election results to the district board of directors.

2 [67.2505. 1. A district may be created to fund, promote, and provide
3 educational, civic, musical, theatrical, cultural, concerts, lecture series, and
4 related or similar entertainment events or activities, and to fund, promote, plan,
5 design, construct, improve, maintain, and operate public improvements,
6 transportation projects, and related facilities in the district.

7 2. A district is a political subdivision of the state.

8 3. The name of a district shall consist of a name chosen by the original
9 petitioners, preceding the words "theater, cultural arts, and entertainment
10 district".

11 4. The district shall include a minimum of fifty contiguous acres.

12 5. Subdistricts shall be formed for the purpose of voting upon proposals
13 for the creation of the district or subsequent proposed subdistrict, voting upon the
14 question of imposing a proposed sales tax, and for representation on the board of
15 directors, and for no other purpose.

16 6. Whenever the creation of a district is desired, one or more registered
17 voters from each subdistrict of the proposed district, or one or more property
18 owners who collectively own one or more parcels of real estate comprising at
19 least a majority of the land situated in the proposed subdistricts within the
20 proposed district, may file a petition requesting the creation of a district with the
21 governing body of the city, town, or village within which the proposed district is
22 to be established. The petition shall contain the following information:

23 (1) The name, address, and phone number of each petitioner and the
24 location of the real property owned by the petitioner;

25 (2) The name of the proposed district;

26 (3) A legal description of the proposed district, including a map
27 illustrating the district boundaries, which shall be contiguous, and the division of
the district into at least five, but not more than fifteen, subdistricts that shall

contain, or are projected to contain upon full development of the subdistricts, approximately equal populations;

(4) A statement indicating the number of directors to serve on the board, which shall be not less than five or more than fifteen;

(5) A request that the district be established;

(6) A general description of the activities that are planned for the district;

(7) A proposal for a sales tax to fund the district initially, pursuant to the authority granted in sections 67.2500 to 67.2530, together with a request that the imposition of the sales tax be submitted to the qualified voters within the district;

(8) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;

(9) A request that the question of the establishment of the district be submitted to the qualified voters of the district;

(10) A signed statement that the petitioners are authorized to submit the petition to the governing body; and

(11) Any other items the petitioners deem appropriate.

7. Upon the filing of a petition pursuant to this section, the governing body of any city, town, or village described in this section may pass a resolution containing the following information:

(1) A description of the boundaries of the proposed district and each subdistrict;

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

(3) The time frame and manner for the filing of protests;

(4) The proposed sales tax rate to be voted upon within the subdistricts of the proposed district;

(5) The proposed uses for the revenue to be generated by the new sales tax; and

(6) Such other matters as the governing body may deem appropriate.

8. Prior to the governing body certifying the question of the district's creation and imposing a sales tax for approval by the qualified electors, a hearing shall be held as provided by this subsection. The governing body of the municipality approving a resolution as set forth in section 67.2520 shall:

(1) Publish notice of the hearing, which shall include the information contained in the resolution cited in section 67.2520, on two separate occasions in at least one newspaper of general circulation in the county where the proposed district is located, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

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

(3) Consider all protests, which determinations shall be final.

71 The costs of printing and publication of the notice shall be paid by the petitioners.
72 If the district is organized pursuant to sections 67.2500 to 67.2530, the petitioners
73 may be reimbursed for such costs out of the revenues received by the district.

74 9. Following the hearing, the governing body of any city, town, or village
75 within which the proposed district will be located may order an election on the
76 questions of the district creation and sales tax funding for voter approval and
77 certify the questions to the municipal clerk. The election order shall include the
78 date on which the ballots will be mailed to qualified electors, which shall be not
79 sooner than the eighth Tuesday from the issuance of the order. The election
80 regarding the incorporation of the district and the imposing of the sales tax shall
81 follow the procedure set forth in section 67.2520, and shall be held pursuant to
82 the order and certification by the governing body. Only those subdistricts
83 approving the question of creating the district and imposing the sales tax shall
84 become part of the district.

85 10. If the results of the election conducted in accordance with section
86 67.2520 show that a majority of the votes cast were in favor of organizing the
87 district and imposing the sales tax, the governing body may establish the
88 proposed district in those subdistricts approving the question of creating the
89 district and imposing the sales tax by adopting an ordinance to that effect. The
90 ordinance establishing the district shall contain the following:

- 91 (1) The description of the boundaries of the district and each subdistrict;
92 (2) A statement that a theater, cultural arts, and entertainment district has
93 been established;
94 (3) A declaration that the district is a political subdivision of the state;
95 (4) The name of the district;
96 (5) The date on which the sales tax election in the subdistricts was held,
97 and the result of the election;
98 (6) The uses for any revenue generated by a sales tax imposed pursuant
99 to this section;
100 (7) A certification to the newly created district of the election results,
101 including the election concerning the sales tax; and
102 (8) Such other matters as the governing body deems appropriate.

103 11. Any subdistrict that does not approve the creation of the district and
104 imposing the sales tax shall not be a part of the district and the sales tax shall not
105 be imposed until after the district board of directors has submitted another
106 proposal for the inclusion of the area into the district and such proposal and the
107 sales tax proposal are approved by a majority of the qualified voters in the
108 subdistrict voting thereon. Such subsequent elections shall be conducted in
109 accordance with section 67.2520; provided, however, that the district board of
110 directors may place the question of the inclusion of a subdistrict within a district
111 and the question of imposing a sales tax before the voters of a proposed
112 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by the

113 circuit court, shall conduct the election. In subsequent elections, the election
114 judges shall certify the election results to the district board of directors.]

67.2510. As a complete alternative to the procedure establishing a district set forth in
2 section 67.2505, **a theater, cultural arts, and entertainment district may be established in**
3 **the manner provided in section 67.2515** by a circuit court with jurisdiction over any **county,**
4 **city, town, or village that has adopted transect-based zoning under chapter 89, RSMo, any**
5 **county described in this section, or any** city, town, or village that is within [a first class county
6 with a charter form of government with a population over two hundred fifty thousand that
7 adjoins a first class county with a charter form of government with a population over nine
8 hundred thousand, or that is within] **such counties:**

9 (1) Any county with a charter form of government and with more than two hundred fifty
10 thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural
11 arts, and entertainment district in the manner provided in section 67.2515] ;

12 (2) **Any county of the first classification with more than ninety-three thousand eight**
13 **hundred but fewer than ninety-three thousand nine hundred inhabitants;**

14 (3) **Any county of the first classification with more than one hundred eighty-four**
15 **thousand but fewer than one hundred eighty-eight thousand inhabitants;**

16 (4) **Any county with a charter form of government and with more than six hundred**
17 **thousand but fewer than seven hundred thousand inhabitants;**

18 (5) **Any county of the first classification with more than one hundred thirty-five**
19 **thousand four hundred but fewer than one hundred thirty-five thousand five hundred**
20 **inhabitants;**

21 (6) **Any county of the first classification with more than one hundred four thousand**
22 **six hundred but fewer than one hundred four thousand seven hundred inhabitants.**

71.011. 1. Except as provided in subsection 2 of this section, property of a municipality
2 which abuts another municipality may be concurrently detached from one municipality and
3 annexed by the other municipality by the enactment by the governing bodies of each municipality
4 of an ordinance describing by metes and bounds the property, declaring the property so described
5 to be concurrently detached and annexed, and stating the reasons for and the purposes to be
6 accomplished by the detachment and annexation. One certified copy of each ordinance shall be
7 filed with the county clerk, **with the county assessor**, with the county recorder of deeds, and
8 with the clerk of the circuit court of the county in which the property is located, whereupon the
9 concurrent detachment and annexation shall be complete and final. Thereafter all courts of this
10 state shall take notice of the limits of both municipalities as changed by the ordinances. No
11 declaratory judgment or election shall be required for any concurrent detachment and annexation

12 permitted by this section if there are no residents living in the area or if there are residents in the
13 area and they be notified of the annexation and do not object within sixty days.

14 2. In a county of the first classification with a charter form of government containing all
15 or a portion of a city with a population of at least three hundred thousand inhabitants,
16 unimproved property of a municipality which overlaps another municipality may be concurrently
17 detached from one municipality and annexed by the other municipality by the enactment by the
18 governing body of the receiving municipality of an ordinance describing by metes and bounds
19 the property, declaring the property so described to be detached and annexed, and stating the
20 reasons for and the purposes to be accomplished by the detachment and annexation. A copy of
21 said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have
22 thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary.
23 If such ordinance is not passed within thirty days, the change shall be effective and one certified
24 copy of the ordinance shall be filed with the county clerk, **with the county assessor**, with the
25 county recorder of deeds, and with the clerk of the circuit court of the county in which the
26 property is located, whereupon the concurrent detachment and annexation shall be complete and
27 final. Thereafter all courts of this state shall take notice of the limits of both municipalities as
28 changed by the ordinances. No declaratory judgment or election shall be required for any
29 concurrent detachment and annexation permitted by this section if the landowners in the area are
30 notified and do not object within sixty days.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
2 governing body of any city, town or village may annex unincorporated areas which are
3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to
4 this section. The term "contiguous and compact" does not include a situation whereby the
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in
7 width within the city, town or village so that the boundaries of the city, town or village after
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip
10 of real property. The term "contiguous and compact" does not prohibit voluntary annexations
11 pursuant to this section merely because such voluntary annexation would create an island of
12 unincorporated area within the city, town or village, so long as the owners of the unincorporated
13 island were also given the opportunity to voluntarily annex into the city, town or village.
14 Notwithstanding the provisions of this section, the governing body of any city, town or village
15 in any county of the third classification which borders a county of the fourth classification, a
16 county of the second classification and Mississippi River may annex areas along a road or
17 highway up to two miles from existing boundaries of the city, town or village or the governing

18 body in any city, town or village in any county of the third classification without a township form
19 of government with a population of at least twenty-four thousand inhabitants but not more than
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily
21 annex such correctional center pursuant to the provisions of this section if the correctional center
22 is along a road or highway within two miles from the existing boundaries of the city, town or
23 village.

24 2. (1) When a verified petition, requesting annexation and signed by the owners of all
25 fee interests of record in all tracts of real property located within the area proposed to be
26 annexed, or a request for annexation signed under the authority of the governing body of any
27 common interest community and approved by a majority vote of unit owners located within the
28 area proposed to be annexed is presented to the governing body of the city, town or village, the
29 governing body shall hold a public hearing concerning the matter not less than fourteen nor more
30 than sixty days after the petition is received, and the hearing shall be held not less than seven
31 days after notice of the hearing is published in a newspaper of general circulation qualified to
32 publish legal matters and located within the boundary of the petitioned city, town or village. If
33 no such newspaper exists within the boundary of such city, town or village, then the notice shall
34 be published in the qualified newspaper nearest the petitioned city, town or village. For the
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium
36 as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or
37 a planned community.

38 (a) A "common-interest community" shall be defined as real property with respect to
39 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property
40 taxes, insurance premiums, maintenance or improvement of other real property described in a
41 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years
42 in a unit, including renewal options;

43 (b) A "cooperative" shall be defined as a common-interest community in which the real
44 property is owned by an association, each of whose members is entitled by virtue of such
45 member's ownership interest in the association to exclusive possession of a unit;

46 (c) A "planned community" **shall be defined as** a common-interest community that is
47 not a condominium or a cooperative. A condominium or cooperative may be part of a planned
48 community.

49 (2) At the public hearing any interested person, corporation or political subdivision may
50 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
51 body of the city, town or village determines that the annexation is reasonable and necessary to
52 the proper development of the city, town or village, and the city, town or village has the ability
53 to furnish normal municipal services to the area to be annexed within a reasonable time, it may,

54 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance
55 without further action.

56 (3) If a written objection to the proposed annexation is filed with the governing body of
57 the city, town or village not later than fourteen days after the public hearing by at least five
58 percent of the qualified voters of the city, town or village, or two qualified voters of the area
59 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015
60 and 71.860 to 71.920, shall be followed.

61 3. If no objection is filed, the city, town or village shall extend its limits by ordinance
62 to include such territory, specifying with accuracy the new boundary lines to which the city's,
63 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,
64 town or village shall cause three certified copies of the same to be filed with the clerk of the
65 county **and county assessor** wherein the city, town or village is located, and one certified copy
66 to be filed with the election authority, if different from the clerk of the county which has
67 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final
68 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or
69 village as so extended.

89.010. 1. The provisions of sections 89.010 to 89.140 shall apply to all cities, towns
2 and villages in this state.

3 2. (1) **As used in this subsection, "transect-based zoning" means a zoning**
4 **classification system that prescriptively arranges uses, elements, and environments**
5 **according to a geographic cross-section that range across a continuum from rural to urban,**
6 **with the range of environments providing the basis for organizing the components of the**
7 **constructed world, including buildings, lots, land use, street, and all other physical**
8 **elements of the human habitat, with the objective of creating sustainable communities and**
9 **emphasizing bicycle lanes, street connectivity, and sidewalks, and permitting high-density**
10 **and mixed use development in urban areas.**

11 (2) **In the event that any city, town, or village adopts a zoning or subdivision**
12 **ordinance based on transect-based zoning, and such transect-based zoning provisions**
13 **conflict with the zoning provisions adopted by code or ordinance of another political**
14 **subdivision with jurisdiction in such city, town, or village, the transect-based zoning**
15 **provisions governing street configuration requirements, including number and locations**
16 **of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and**
17 **improvements within the right-of-way, shall prevail over any other conflicting or more**
18 **restrictive zoning provisions adopted by code or ordinance of the other political**
19 **subdivision.**

89.400. 1. When the planning commission of any municipality adopts a city plan which includes at least a major street plan or progresses in its city planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the county recorder of the county in which the municipality is located, no plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the commission to the city council and the council has approved the plat as provided by law.

2. (1) **As used in this subsection, "transect-based zoning" means a zoning classification system that prescriptively arranges uses, elements, and environments according to a geographic cross-section that range across a continuum from rural to urban, with the range of environments providing the basis for organizing the components of the constructed world, including buildings, lots, land use, street, and all other physical elements of the human habitat, with the objective of creating sustainable communities and emphasizing bicycle lanes, street connectivity, and sidewalks, and permitting high-density and mixed use development in urban areas.**

(2) **In the event that any city, town, or village adopts a zoning or subdivision ordinance based on transect-based zoning, and such transect-based zoning provisions conflict with the zoning provisions adopted by code or ordinance of another political subdivision with jurisdiction in such city, town, or village, the transect-based zoning provisions governing street configuration requirements, including number and locations of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and improvements within the right-of-way, shall prevail over any other conflicting or more restrictive zoning provisions adopted by code or ordinance of the other political subdivision.**

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

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

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

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

15 ☐ YES ☐ NO

16

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

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

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

35 [5.] 6. All sales taxes collected by the director of revenue under this section on behalf
36 of any city or county, less one percent for cost of collection which shall be deposited in the state's
37 general revenue fund after payment of premiums for surety bonds, shall be deposited with the
38 state treasurer in a special trust fund, which is hereby created, to be known as the "County Public
39 Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087,
40 RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be
41 commingled with any funds of the state. The director of revenue shall keep accurate records of
42 the amount of money in the trust fund which was collected in each city or county approving a
43 sales tax under this section, and the records shall be open to inspection by officers of the city or
44 county and the public. Not later than the tenth day of each month the director of revenue shall
45 distribute all moneys deposited in the trust fund during the preceding month to the city or county
46 which levied the tax, and such funds shall be deposited with the treasurer of each such city or
47 county and all expenditures of funds arising from the county public transit sales tax trust fund

48 shall be by an appropriation act to be enacted by the governing body of each such county or city
49 not within a county.

50 [6.] 7. The revenues derived from any transportation sales tax under this section shall
51 be used only for the planning, development, acquisition, construction, maintenance and operation
52 of public transit facilities and systems other than highways.

53 [7.] 8. The director of revenue may authorize the state treasurer to make refunds from
54 the amount in the trust fund and credited to any city or county for erroneous payments and
55 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
56 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
57 director of revenue of the action at least ninety days prior to the effective date of the repeal and
58 the director of revenue may order retention in the trust fund, for a period of one year, of two
59 percent of the amount collected after receipt of such notice to cover possible refunds or
60 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
61 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
62 city or county, the director of revenue shall authorize the state treasurer to remit the balance in
63 the account to the city or county and close the account of that city or county. The director of
64 revenue shall notify each city or county of each instance of any amount refunded or any check
65 redeemed from receipts due the city or county.

135.010. 1. Sections 135.010 to 135.035 shall be known and may be cited as the
2 "Senior Citizens' Homestead Tax Relief Act".

3 2. As used in sections 135.010 to 135.030 the following words and terms mean:

4 (1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030.
5 If the persons are eligible to file a joint federal income tax return and reside at the same address
6 at any time during the taxable year, then the credit may only be allowed if claimed on a combined
7 Missouri income tax return or a combined claim return reporting their combined incomes and
8 property taxes. A claimant shall not be allowed a property tax credit unless the claimant or
9 spouse has attained the age of sixty-five on or before the last day of the calendar year and the
10 claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a
11 veteran of any branch of the armed forces of the United States or this state who became one
12 hundred percent disabled as a result of such service, or the claimant or spouse is disabled as
13 defined in subdivision (2) of this section, and such claimant or spouse provides proof of such
14 disability in such form and manner, and at such times, as the director of revenue may require, or
15 if the claimant has reached the age of sixty on or before the last day of the calendar year and such
16 claimant received surviving spouse Social Security benefits during the calendar year and the
17 claimant provides proof, as required by the director of revenue, that the claimant received
18 surviving spouse Social Security benefits during the calendar year for which the credit will be

19 claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim
20 for a credit under section 137.106, RSMo, in the year following the year for which the property
21 tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the
22 purpose of determining the eligibility of a surviving spouse for a property tax credit if a person
23 of the age of sixty-five years or older who would have otherwise met the requirements for a
24 property tax credit dies before the last day of the calendar year. The residency requirement shall
25 also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant
26 who would have otherwise met the requirements for a property tax credit but who dies before
27 the last day of the calendar year;

28 (2) "Disabled", the inability to engage in any substantial gainful activity by reason of any
29 medically determinable physical or mental impairment which can be expected to result in death
30 or which has lasted or can be expected to last for a continuous period of not less than twelve
31 months. A claimant shall not be required to be gainfully employed prior to such disability to
32 qualify for a property tax credit;

33 (3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length,
34 of a homestead during the calendar year, exclusive of charges for health and personal care
35 services and food furnished as part of the rental agreement, whether or not expressly set out in
36 the rental agreement. If the director of revenue determines that the landlord and tenant have not
37 dealt at arm's length, and that the gross rent is excessive, then [he] **the director** shall determine
38 the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid
39 only if actually paid prior to the date a return is filed. The director of revenue may prescribe
40 regulations requiring a return of information by a landlord receiving rent, certifying for a
41 calendar year the amount of gross rent received from a tenant claiming a property tax credit and
42 shall, by regulation, provide a method for certification by the claimant of the amount of gross
43 rent paid for any calendar year for which a claim is made. The regulations authorized by this
44 subdivision may require a landlord or a tenant or both to provide data relating to health and
45 personal care services and to food. Neither a landlord nor a tenant may be required to provide
46 data relating to utilities, furniture, home furnishings or appliances;

47 (4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to
48 exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a
49 home. It may consist of part of a multidwelling or multipurpose building and part of the land
50 upon which it is built. "Owned" includes a vendee in possession under a land contract and one
51 or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant
52 actually in possession if he was the immediate former owner of record, if a lineal descendant is
53 presently the owner of record, and if the claimant actually pays all taxes upon the property. It
54 may include a mobile home;

55 (5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less
56 two thousand dollars as an exemption for the claimant's spouse residing at the same address, and
57 increased, where necessary, to reflect the following:

58 (a) Social Security, railroad retirement, and veterans payments and benefits unless the
59 claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one
60 hundred percent service-connected, disabled veteran. The one hundred percent
61 service-connected disabled veteran shall not be required to list veterans payments and benefits;

62 (b) The total amount of all other public and private pensions and annuities;

63 (c) Public relief, public assistance, and unemployment benefits received in cash, other
64 than benefits received under this chapter;

65 (d) No deduction being allowed for losses not incurred in a trade or business;

66 (e) Interest on the obligations of the United States, any state, or any of their subdivisions
67 and instrumentalities;

68 (6) "Property taxes accrued", property taxes paid, exclusive of special assessments,
69 penalties, interest, and charges for service levied on a claimant's homestead in any calendar year.
70 Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed.
71 The director of revenue shall require a tax receipt or other proof of property tax payment. If a
72 homestead is owned only partially by claimant, then "property taxes accrued" is that part of
73 property taxes levied on the homestead which was actually paid by the claimant. For purposes
74 of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of
75 revenue for collection. If a claimant owns a homestead part of the preceding calendar year and
76 rents it or a different homestead for part of the same year, "property taxes accrued" means only
77 taxes levied on the homestead both owned and occupied by the claimant, multiplied by the
78 percentage of twelve months that such property was owned and occupied as the homestead of
79 the claimant during the year. When a claimant owns and occupies two or more different
80 homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable
81 to those several properties occupied by the claimant as a homestead for the year. If a homestead
82 is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building,
83 property taxes accrued shall be that percentage of the total property taxes accrued as the value
84 of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel
85 of property covered by a single tax statement of which the homestead is a part;

86 (7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by
87 a claimant and spouse in the calendar year.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, [in the calendar year 1989, be the sum of
3 thirteen thousand five hundred dollars. For each calendar year through December 31, 1992, the

4 maximum upper limit shall be increased by five hundred dollars per year. For calendar years
5 after December 31, 1992, and prior to calendar year 1998, the maximum upper limit shall be the
6 sum used on December 31, 1992.] for each calendar year after December 31, 1997, [the
7 maximum upper limit shall] **but before calendar year 2008**, be the sum of twenty-five thousand
8 dollars. **For the calendar year beginning on January 1, 2008, the maximum upper limit**
9 **shall be the sum of twenty-five thousand five hundred dollars if the taxpayer's filing status**
10 **is single and thirty-two thousand dollars if the taxpayer's filing status is married filing**
11 **combined. For each calendar year beginning on or after January 1, 2009, the maximum**
12 **upper limit shall be increased, rounded to the nearest fifty dollar increment, by the same**
13 **percentage as the increase in the general price level as measured by the Consumer Price**
14 **Index for all Urban Consumers for the United States, or its successor index, as defined and**
15 **officially recorded by the United States Department of Labor, or its successor agency;**

16 (2) The term "minimum base" shall, [in the calendar year 1989, be the sum of five
17 thousand dollars. For each succeeding calendar year through December 31, 1992, the minimum
18 base shall be increased, in one hundred-dollar increments, by the same percentage as the increase
19 in the general price level as measured by the Consumer Price Index for All Urban Consumers
20 for the United States, or its successor index, as defined and officially recorded by the United
21 States Department of Labor, or its successor agency, or five percent, whichever is greater. The
22 increase in the index shall be that as first published by the Department of Labor for the calendar
23 year immediately preceding the year in which the minimum base is calculated. For calendar
24 years after December 31, 1992, and prior to calendar year 1998, the minimum base shall be the
25 sum used on December 31, 1992.] for each calendar year after December 31, 1997, [the
26 minimum base shall] **but before calendar year 2008**, be the sum of thirteen thousand dollars.
27 **For the calendar year beginning January 1, 2008, the minimum base shall be the sum of**
28 **thirteen thousand three hundred dollars. For each calendar year beginning on or after**
29 **January 1, 2009, the minimum base shall be increased, rounded to the nearest fifty dollar**
30 **increment, by the same percentage as the increase in the general price level as measured**
31 **by the Consumer Price Index for all Urban Consumers for the United States, or its**
32 **successor index, as defined and officially recorded by the United States Department of**
33 **Labor, or its successor agency.**

34 2. [When calculating the minimum base for purposes of this section, whenever the
35 increase in the Consumer Price Index used in the calculation would result in a figure which is
36 greater than one one-hundred-dollar increment but less than another one-hundred-dollar
37 increment, the director of revenue shall always round that figure off to the next higher
38 one-hundred-dollar increment when determining the table of credits under this section.

39 3.] If the income on a return is equal to or less than the maximum upper limit for the
 40 calendar year for which the return is filed, the property tax credit shall be determined from a table
 41 of credits based upon the amount by which the total property tax described in section 135.025
 42 exceeds the percent of income in the following list:

43

44 If the income on the return is:

The percent is:

45

46 Not over the minimum base

0 percent with credit not
to exceed actual property
tax or rent equivalent
paid up to \$750

47

48

49

50 Over the minimum base but
 51 not over the maximum upper
 52 limit

1/16 percent accumulative
per \$300 from 0 percent
to 4 percent.

53

54 The director of revenue shall prescribe a table based upon the preceding sentences. The property
 55 tax shall be in increments of twenty-five dollars and the income in increments of three hundred
 56 dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the
 57 basis of the property tax and income at the midpoints of each increment. As used in this
 58 subsection, the term "accumulative" means an increase by continuous or repeated application of
 59 the percent to the income increment at each three hundred dollar level.

60 [4.] **3.** Notwithstanding [the provision of] subsection 4 of section 32.057, RSMo, the
 61 department of revenue or any duly authorized employee or agent shall determine whether any
 62 taxpayer filing a report or return with the department of revenue who has not applied for the
 63 credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any
 64 qualified claimant of [his or her] **the claimant's** potential eligibility, where the department
 65 determines such potential eligibility exists.

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

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

6 **(2) "Public safety officer", any firefighter, police officer, capitol police officer,**
 7 **parole officer, probation officer, correctional employee, water patrol officer, park ranger,**
 8 **conservation officer, commercial motor enforcement officer, emergency medical technician,**
 9 **first responder, or highway patrolman employed by the state of Missouri or a political**

10 subdivision thereof who is killed in the line of duty, unless the death was the result of the
11 officer's own misconduct or abuse of alcohol or drugs;

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

13 2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall
14 be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding
15 withholding tax imposed by sections 143.191 to 143.265, RSMo, in an amount equal to the
16 total amount of the property taxes on the surviving spouse's homestead paid during the tax
17 year for which the credit is claimed. If the amount allowable as a credit exceeds the income
18 tax reduced by other credits, then the excess shall be considered an overpayment of the
19 income tax.

20 3. The department of revenue shall promulgate rules to implement the provisions
21 of this section.

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

30 5. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

31 (1) The provisions of the new program authorized under this section shall
32 automatically sunset six years after the effective date of this section unless reauthorized by
33 an act of the general assembly; and

34 (2) If such program is reauthorized, the program authorized under this section
35 shall automatically sunset twelve years after the effective date of the reauthorization of this
36 section; and

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

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

2 (1) "Monetary compensation", includes any economic return for services and shall
3 not include:

4 (a) Life insurance, sickness, health, disability, annuity, length of service, retirement,
5 pension, and other employee-type fringe benefits;

6 (b) De minimus compensation to pay for fuel, minor costs related to transportation,
7 and other minor operation costs;

8 (2) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo,
9 excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

10 (3) "Taxpayer", any volunteer firefighter subject to the tax imposed in chapter 143,
11 RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

12 (4) "Volunteer firefighter", any firefighter in this state who is in the service of any
13 fire department or fire protection district, including but not limited to any municipal,
14 volunteer, rural, or subscription fire department or organization, or volunteer fire
15 protection association, who receives no monetary compensation for the firefighter's
16 services.

17 2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be
18 allowed a tax credit as provided in this section. The tax credit authorized in this section
19 shall be claimed as follows:

20 (1) The taxpayer may claim a tax credit in the amount of one hundred eighty
21 dollars if the taxpayer has completed at least twelve hours of any firefighter training
22 program approved by the office of the state fire marshal up to three years before or in the
23 tax year for which the tax credit is claimed. The taxpayer may claim the tax credit
24 authorized in this subdivision in each subsequent tax year if the taxpayer completes at least
25 twelve hours of any firefighter training program approved by the office of the state fire
26 marshal, to include but not be limited to hazardous materials training and incident
27 management systems training in such subsequent tax year; or

28 (2) The taxpayer may claim a tax credit in the amount of three hundred sixty
29 dollars if the taxpayer has completed the office of the state fire marshal's thirty-six hour
30 basic firefighter program or a firefighter training program approved by the office of the
31 state fire marshal up to three years before or in the tax year for which the tax credit is
32 claimed. The taxpayer may claim the tax credit authorized in this subdivision in each
33 subsequent tax year if the taxpayer completes at least thirty-six hours of firefighter
34 training approved by the office of the state fire marshal in such subsequent tax year.

35 3. If the amount of the tax credit issued exceeds the amount of the taxpayer's state
36 tax liability for the tax year for which the credit is claimed, the difference shall not be
37 refundable but may be carried forward to any of the taxpayer's four subsequent taxable
38 years. No tax credit granted under this section shall be transferred, sold, or assigned. The
39 tax credit provided in this section shall be claimed by the taxpayer at the time such
40 taxpayer files a return, and shall be applied against the taxpayer's income tax liability after
41 all other credits provided by law have been applied. The director of revenue shall establish
42 the procedure by which the tax credit in this section may be claimed.

4. The state fire marshal may develop or approve existing training programs for volunteer firefighters, may establish procedures for providing documentation that the taxpayer is a volunteer firefighter in good standing with a registered fire department, as required in chapter 320, RSMo, and has completed the training requirements in this section.

5. The department of revenue and the state fire marshal may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

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

137.106. 1. This section [may] shall be known and may be cited as "The Missouri Homestead Preservation Act".

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

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

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

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

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

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible

13 taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one
14 spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the
15 combined income of the couple in the year prior to completing an application pursuant to this
16 section did not exceed the maximum upper limit; or

17 (b) In the case of joint ownership by unmarried persons or ownership by tenancy in
18 common by two or more unmarried persons, such owners shall be considered an eligible owner
19 if each person with an ownership interest individually satisfies the eligibility requirements for
20 an individual eligible owner under this section and the combined income of all individuals with
21 an interest in the property is equal to or less than the maximum upper limit in the year prior to
22 completing an application under this section. If any individual with an ownership interest in the
23 property fails to satisfy the eligibility requirements of an individual eligible owner or if the
24 combined income of all individuals with interest in the property exceeds the maximum upper
25 limit, then all individuals with an ownership interest in such property shall be deemed ineligible
26 owners regardless of such other individual's ability to individually meet the eligibility
27 requirements; or

28 (c) In the case of property held in trust, the eligible owner and recipient of the tax credit
29 shall be the trust itself provided the previous owner of the homestead or the previous owner's
30 spouse: is the settlor of the trust with respect to the homestead; currently resides in such
31 homestead; and but for the transfer of such property would have satisfied the age, ownership, and
32 maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this
33 subsection[;] .

34

35 No individual shall be an eligible owner if the individual has not paid [their] **such individual's**
36 property tax liability, if any, in full by the payment due date in any of the three prior tax years,
37 except that a late payment of a property tax liability in any prior year shall not disqualify a
38 potential eligible owner if such owner paid in full the tax liability and any and all penalties,
39 additions and interest that arose as a result of such late payment; no individual shall be an
40 eligible owner if such person filed a valid claim for the senior citizens property tax relief credit
41 pursuant to sections 135.010 to 135.035, RSMo;

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

47 (6) "Homestead exemption limit", a percentage increase, rounded to the nearest
48 hundredth of a percent, which shall be equal to the percentage increase to tax liability, not

49 including improvements, of a homestead from one tax year to the next that exceeds a certain
50 percentage set pursuant to subsection [10] 7 of this section. [For applications filed in 2005 or
51 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to
52 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner,
53 who otherwise satisfied the requirements of this section, shall not apply for the homestead
54 exemption credit more than once during such period.] For applications filed [after 2006] **in**
55 **2007**, the homestead exemption limit shall be based on the increase to tax liability from two
56 years prior to application to the year immediately prior to application. **For applications filed**
57 **after 2007, the homestead exemption limit shall be based on the increase to tax liability**
58 **from the base year to the year prior to the application year. For purposes of this**
59 **subdivision, "base year" means the year prior to the first year in which the eligible owner's**
60 **application was approved, or 2006, whichever is later;**

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

64 (8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy
65 thousand dollars; in each successive calendar year this amount shall be raised by the incremental
66 increase in the general price level, as defined pursuant to article X, section 17 of the Missouri
67 Constitution.

68 3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax
69 year, the property tax liability on any parcel of subclass (1) real property increased by more than
70 the homestead exemption limit, without regard for any prior credit received due to the provisions
71 of this section, then any eligible owner of the property shall receive a homestead exemption
72 credit to be applied in the current tax year property tax liability to offset the prior year increase
73 to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is
74 limited by the provisions of this section. The amount of the credit shall be listed separately on
75 each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's
76 bill. The homestead exemption credit shall not affect the process of setting the tax rate as
77 required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in
78 any prior, current, or subsequent tax year.

79 4. [If application is made in 2005, any potential eligible owner may apply for the
80 homestead exemption credit by completing an application through their local assessor's office.
81 Applications may be completed between April first and September thirtieth of any tax year in
82 order for the taxpayer to be eligible for the homestead exemption credit in the tax year next
83 following the calendar year in which the homestead exemption credit application was completed.
84 The application shall be on forms provided to the assessor's office by the department. Forms also

85 shall be made available on the department's Internet site and at all permanent branch offices and
86 all full-time, temporary, or fee offices maintained by the department of revenue. The applicant
87 shall attest under penalty of perjury:

- 88 (1) To the applicant's age;
- 89 (2) That the applicant's prior year income was less than the maximum upper limit;
- 90 (3) To the address of the homestead property; and
- 91 (4) That any improvements made to the homestead, not made to accommodate a disabled
92 person, did not total more than five percent of the prior year appraised value. The applicant shall
93 also include with the application copies of receipts indicating payment of property tax by the
94 applicant for the homestead property for the two prior tax years.

95 5. If application is made in 2005, the assessor, upon request for an application, shall:

- 96 (1) Certify the parcel number and owner of record as of January first of the homestead,
97 including verification of the acreage classified as residential on the assessor's property record
98 card;
- 99 (2) Obtain appropriate prior tax year levy codes for each homestead from the county
100 clerks for inclusion on the form;
- 101 (3) Record on the application the assessed valuation of the homestead for the current tax
102 year, and any new construction or improvements for the current tax year; and
- 103 (4) Sign the application, certifying the accuracy of the assessor's entries.

104 6. If application is made after 2005,] Any potential eligible owner may apply for the
105 homestead exemption credit by completing an application. Applications may be completed
106 between April first and October fifteenth of any tax year in order for the taxpayer to be eligible
107 for the homestead exemption credit in the tax year next following the calendar year in which the
108 homestead exemption credit application was completed. The application shall be on forms
109 provided by the department. Forms also shall be made available on the department's Internet site
110 and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the
111 department of revenue. The applicant shall attest under penalty of perjury:

- 112 (1) To the applicant's age;
- 113 (2) That the applicant's prior year income was less than the maximum upper limit;
- 114 (3) To the address of the homestead property;
- 115 (4) That any improvements made to the homestead, not made to accommodate a disabled
116 person, did not total more than five percent of the prior year appraised value[; and
117 (5)].

118

119 The applicant shall also include with the application copies of receipts indicating payment of
120 property tax by the applicant for the homestead property for the three prior tax years.

121 [7.] **5.** Each applicant shall send the application to the department by [September
122 thirtieth] **October fifteenth** of each year for the taxpayer to be eligible for the homestead
123 exemption credit in the tax year next following the calendar year in which the application was
124 completed.

125 [8. If application is made in 2005, upon receipt of the applications, the department shall
126 calculate the tax liability, adjusted to exclude new construction or improvements verify
127 compliance with the maximum income limit, verify the age of the applicants, and make
128 adjustments to these numbers as necessary on the applications. The department also shall
129 disallow any application where the applicant has also filed a valid application for the senior
130 citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax
131 liability, age, and income are verified, the director shall determine eligibility for the credit, and
132 provide a list of all verified eligible owners to the county collectors or county clerks in counties
133 with a township form of government by December fifteenth of each year. By January fifteenth,
134 the county collectors or county clerks in counties with a township form of government shall
135 provide a list to the department of any verified eligible owners who failed to pay the property tax
136 due for the tax year that ended immediately prior. Such eligible owners shall be disqualified
137 from receiving the credit in the current tax year.

138 9. If application is made after 2005,] **6.** Upon receipt of the applications, the department
139 shall calculate the tax liability, verify compliance with the maximum income limit, verify the age
140 of the applicants, and make adjustments to these numbers as necessary on the applications. The
141 department also shall disallow any application where the applicant also has filed a valid
142 application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo.
143 Once adjusted tax liability, age, and income are verified, the director shall determine eligibility
144 for the credit and provide a list of all verified eligible owners to the county assessors or county
145 clerks in counties with a township form of government by December fifteenth of each year. By
146 January fifteenth, the county assessors shall provide a list to the department of any verified
147 eligible owners who made improvements not for accommodation of a disability to the homestead
148 and the dollar amount of the assessed value of such improvements. If the dollar amount of the
149 assessed value of such improvements totaled more than five percent of the prior year appraised
150 value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

151 [10.] **7.** The director shall calculate the level of appropriation necessary [to] **and** set the
152 homestead exemption limit at five percent when based on a year of general reassessment or at
153 two and one-half percent when based on a year without general reassessment for the homesteads
154 of all verified eligible owners, and provide such calculation to the speaker of the house of
155 representatives, the president pro tempore of the senate, and the director of the office of budget
156 and planning in the office of administration by January thirty-first of each year.

157 [11. For applications made in 2005, the general assembly shall make an appropriation
158 for the funding of the homestead exemption credit that is signed by the governor, then the
159 director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall
160 be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a
161 percent, which, if applied to all homesteads of verified eligible owners who applied for the
162 homestead exemption credit in the immediately prior tax year, would cause all but one-quarter
163 of one percent of the amount of the appropriation, minus any withholding by the governor, to be
164 distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed
165 to the county assessment funds of each county on a proportional basis, based on the number of
166 eligible owners in each county; such one-quarter percent distribution shall be delineated in any
167 such appropriation as a separate line item in the total appropriation.]

168 **8.** If no appropriation is made by the general assembly during any tax year or no funds
169 are actually distributed pursuant to any appropriation therefor, then no homestead preservation
170 credit shall apply in such year.

171 [12. After setting the homestead exemption limit for applications made in 2005, the
172 director shall apply the limit to the homestead of each verified eligible owner and calculate the
173 credit to be associated with each verified eligible owner's homestead, if any. The director shall
174 send a list of those eligible owners who are to receive the homestead exemption credit, including
175 the amount of each credit, the certified parcel number of the homestead, and the address of the
176 homestead property, to the county collectors or county clerks in counties with a township form
177 of government by August thirty-first. Pursuant to such calculation, the director shall instruct the
178 state treasurer as to how to distribute the appropriation and assessment fund allocation to the
179 county collector's funds of each county or the treasurer ex officio collector's fund in counties with
180 a township form of government where recipients of the homestead exemption credit are located,
181 so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one
182 percent distribution for the county assessment funds. As a result of the appropriation, in no case
183 shall a political subdivision receive more money than it would have received absent the
184 provisions of this section plus the one-quarter of one percent distribution for the county
185 assessment funds. Funds, at the direction of the county collector or the treasurer ex officio
186 collector in counties with a township form of government, shall be deposited in the county
187 collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to
188 the collector of a county, or the treasurer ex officio collector in counties with a township form
189 of government, not later than October first in any year a homestead exemption credit is
190 appropriated as a result of this section and shall be distributed as moneys in such funds are
191 commonly distributed from other property tax revenues by the collector of the county or the
192 treasurer ex officio collector of the county in counties with a township form of government, so

193 as to exactly offset each homestead exemption credit being issued. In counties with a township
194 form of government, the county clerk shall provide the treasurer ex officio collector a summary
195 of the homestead exemption credit for each township for the purpose of distributing the total
196 homestead exemption credit to each township collector in a particular county.

197 [13.] **9.** If, in any given year after 2005, the general assembly shall make an appropriation
198 for the funding of the homestead exemption credit that is signed by the governor, then the
199 director shall[, by July thirty-first of such year, set the homestead exemption limit. The limit
200 shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth
201 of a percent, which, if applied to all homesteads of verified eligible owners who applied for the
202 homestead exemption credit in the immediately prior tax year, would cause all of the amount of
203 the appropriation, minus any withholding by the governor, to be distributed during that fiscal
204 year] **determine the apportionment percentage by equally apportioning the appropriation**
205 **among all eligible applicants on a percentage basis.** If no appropriation is made by the general
206 assembly during any tax year or no funds are actually distributed pursuant to any appropriation
207 therefor, then no homestead preservation credit shall apply in such year.

208 [14.] **10.** After [setting the homestead exemption limit for applications made after 2005,
209 the director shall apply the limit to the homestead of each verified eligible owner and]
210 **determining the apportionment percentage, the director shall** calculate the credit to be
211 associated with each verified eligible owner's homestead, if any. The director shall send a list
212 of those eligible owners who are to receive the homestead exemption credit, including the
213 amount of each credit, the certified parcel number of the homestead, and the address of the
214 homestead property, to the county collectors or county clerks in counties with a township form
215 of government by August thirty-first. Pursuant to such calculation, the director shall instruct the
216 state treasurer as to how to distribute the appropriation to the county collector's fund of each
217 county where recipients of the homestead exemption credit are located, so as to exactly offset
218 each homestead exemption credit being issued. As a result of the appropriation, in no case shall
219 a political subdivision receive more money than it would have received absent the provisions of
220 this section. Funds, at the direction of the collector of the county or treasurer ex officio collector
221 in counties with a township form of government, shall be deposited in the county collector's fund
222 of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector
223 in counties with a township form of government, not later than October first in any year a
224 homestead exemption credit is appropriated as a result of this section and shall be distributed as
225 moneys in such funds are commonly distributed from other property tax revenues by the collector
226 of the county or the treasurer ex officio collector of the county in counties with a township form
227 of government, so as to exactly offset each homestead exemption credit being issued.

[15.] **11.** The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[16.] **12.** In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to [January first] **December thirty-first** of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys[, pursuant to subsection 12 of this section,] shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys[, under subsection 11 of this section,] shall lapse to the state to be credited to the general revenue fund.

[17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18.] **13.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

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

139.031. 1. Any taxpayer, **upon total payment of the current tax bill**, may protest all or any part of any current taxes assessed against the taxpayer, except taxes collected by the director of revenue of Missouri. Any such taxpayer desiring to pay any current taxes under protest shall, at the time of paying such taxes, file with the collector a written statement setting

5 forth the grounds on which the protest is based. The statement shall include the true value in
6 money claimed by the taxpayer if disputed.

7 2. Upon receiving payment of current taxes under protest pursuant to subsection 1 of this
8 section or upon receiving notice of an appeal pursuant to section 138.430, RSMo, the collector
9 shall disburse to the proper official all portions of taxes not disputed by the taxpayer and shall
10 impound in a separate fund all portions of such taxes which are in dispute. Except as provided
11 in subsection 3 of this section, every taxpayer protesting the payment of current taxes shall,
12 within ninety days after filing his protest, commence an action against the collector by filing a
13 petition for the recovery of the amount protested in the circuit court of the county in which the
14 collector maintains his office. If any taxpayer so protesting his taxes shall fail to commence an
15 action in the circuit court for the recovery of the taxes protested within the time prescribed in this
16 subsection, such protest shall become null and void and of no effect, and the collector shall then
17 disburse to the proper official the taxes impounded, and any interest earned thereon, as provided
18 above in this subsection.

19 3. No action against the collector shall be commenced by any taxpayer who has, for the
20 current tax year in issue, filed with the state tax commission a timely and proper appeal of the
21 protested taxes. Such taxpayer shall notify the collector of the appeal in the written statement
22 required by subsection 1 of this section. The taxes so protested shall be impounded in a separate
23 fund and the commission may order all or any part of such taxes refunded to the taxpayer, or may
24 authorize the collector to release and disburse all or any part of such taxes in its decision and
25 order issued pursuant to chapter 138, RSMo.

26 4. Trial of the action in the circuit court shall be in the manner prescribed for nonjury
27 civil proceedings, and, after determination of the issues, the court shall make such orders as may
28 be just and equitable to refund to the taxpayer all or any part of the current taxes paid under
29 protest, together with any interest earned thereon, or to authorize the collector to release and
30 disburse all or any part of the impounded taxes, and any interest earned thereon, to the
31 appropriate officials of the taxing authorities. Either party to the proceedings may appeal the
32 determination of the circuit court.

33 5. All the county collectors of taxes, and the collector of taxes in any city not within a
34 county, shall, upon written application of a taxpayer, refund or credit against the taxpayer's tax
35 liability in the following taxable year and subsequent consecutive taxable years until the taxpayer
36 has received credit in full for any real or personal property tax mistakenly or erroneously levied
37 against the taxpayer and collected in whole or in part by the collector. Such application shall be
38 filed within three years after the tax is mistakenly or erroneously paid. The governing body, or
39 other appropriate body or official of the county or city not within a county, shall make available

40 to the collector funds necessary to make refunds under this subsection by issuing warrants upon
41 the fund to which the mistaken or erroneous payment has been credited, or otherwise.

42 6. No taxpayer shall receive any interest on any money paid in by the taxpayer
43 erroneously.

44 7. All protested taxes shall be invested by the collector in the same manner as assets
45 specified in section 30.260, RSMo, for investment of state moneys. A taxpayer who is entitled
46 to a refund of protested taxes shall also receive the interest earned on the investment thereof. If
47 the collector is ordered to release and disburse all or part of the taxes paid under protest to the
48 proper official, such taxes shall be disbursed along with the proportional amount of interest
49 earned on the investment of the taxes due the particular taxing authority.

50 8. **Any taxing authority may request to be notified by the county collector of**
51 **current taxes paid under protest. Such request shall be in writing and submitted** on or
52 before [March] **February** first next following the delinquent date of **current** taxes paid under
53 protest, **and** the county collector shall [notify any] **provide such information on or before**
54 **March first of the same year to the requesting** taxing authority of the taxes paid under protest
55 which would be received by such taxing authority if the funds were not the subject of a protest.
56 Any taxing authority may apply to the circuit court of the county or city not within a county in
57 which a collector has impounded protested taxes under this section and, upon a satisfactory
58 showing that such taxing authority would receive such impounded tax funds if they were not the
59 subject of a protest and that such taxing authority has the financial ability and legal capacity to
60 repay such impounded tax funds in the event a decision ordering a refund to the taxpayer is
61 subsequently made, the circuit court shall order, pendente lite, the disbursal of all or any part of
62 such impounded tax funds to such taxing authority. The circuit court issuing an order under this
63 subsection shall retain jurisdiction of such matter for further proceedings, if any, to compel
64 restitution of such tax funds to the taxpayer. In the event that any protested tax funds refunded
65 to a taxpayer were disbursed to a taxing authority under this subsection instead of being held and
66 invested by the collector under subsection 7 of this section, such taxing authority shall pay the
67 taxpayer entitled to the refund of such protested taxes the same amount of interest, as determined
68 by the circuit court having jurisdiction in the matter, such protested taxes would have earned if
69 they had been held and invested by the collector.

70 9. No appeal filed shall stay any order of refund, but the decision filed by any court of
71 last review modifying the circuit court's or state tax commission's determination pertaining to
72 the amount of refund shall be binding on the parties, and the decision rendered shall be complied
73 with by the party affected by any modification within ninety days of the date of such decision.
74 No taxpayer shall receive any interest on any additional award of refund, and the collector shall
75 not receive any interest on any ordered return of refund in whole or in part.

139.140. **Except as provided in section 52.361, RSMo,** the personal delinquent lists
2 allowed to any collector shall be delivered to the collector and when [his] **the collector's** term
3 of office expires then to [his] **the** successor, who shall be charged with the full amount thereof,
4 and shall account therefor as for other moneys collected by [him] **the collector**. When [he] **the**
5 **collector** makes [his] **the** next annual settlement [he] **the collector** shall return the lists to the
6 clerk of the county commission, and in the city of St. Louis the lists and the uncollected tax bills
7 to the comptroller of the city, and shall be entitled to credit for the amount [he] **the collector** has
8 been unable to collect. The lists and bills shall be delivered to [his] **the collector's** successor,
9 and so on until the whole are collected.

139.150. And in making collections on the said personal delinquent lists, the said
2 collectors, **except collectors in counties of the first or second classifications,** shall give
3 duplicate receipts therefor, one to be delivered to the person paying the same, and the other to
4 be filed with the clerk of the county commission, who shall charge the collector therewith.

139.210. 1. Every county collector and [ex officio county collector] **collector-treasurer,**
2 **other than the county collector of revenue of each county of the first or second**
3 **classifications and** except in the city of St. Louis, shall, on or before the fifth day of each month,
4 file with the county clerk a detailed statement, verified by affidavit of all state, county, school,
5 road and municipal taxes, and of all licenses by [him] **the collector** collected during the
6 preceding month, and shall, except for tax payments made pursuant to section 139.053, on or
7 before the fifteenth day of the month, pay the same, less [his] **the collector's** commissions, into
8 the county treasuries and to the director of revenue.

9 2. **The county collector of revenue of each county of the first or second**
10 **classifications shall, before the fifteenth day of each month, file with the county clerk and**
11 **auditor a detailed statement, verified by affidavit, of all state, county, school, road, and**
12 **municipal taxes and of all licenses collected by the collector during the preceding month,**
13 **and shall, except for tax payments made under section 139.053, on or before the fifteenth**
14 **day of the month, pay such taxes and licenses, less commissions, into the treasuries of the**
15 **appropriate taxing entities and to the director of revenue.**

16 3. It shall be the duty of the county clerk, and [he] **the clerk** is hereby required, to
17 forward immediately a certified copy of such detailed statement to the director of revenue, who
18 shall keep an account of the state taxes with the collector.

139.220. Every collector of the revenue having made settlement, according to law, of
2 county revenue [by him] collected or received **by the collector,** shall pay the amount found due
3 into the county treasury, and the treasurer shall give [him] **the collector** duplicate receipts
4 therefor, one of which shall be filed in the office of the clerk of the county commission, who
5 shall grant [him] **the collector** full quietus under the seal of the commission.

140.050. 1. **Except as provided in section 52.361, RSMo**, the county clerk shall file
2 the delinquent lists in [his] **the county clerk's** office and within ten days thereafter make, under
3 the seal of the commission, the lists into a back tax book as provided in section 140.060.

4 2. **Except as provided in section 52.361, RSMo**, when completed, the clerk shall
5 deliver the book to the collector taking duplicate receipts therefor, one of which [he] **the clerk**
6 shall file in [his] **the clerk's** office and the other [he] **the clerk** shall file with the director of
7 revenue. The clerk shall charge the collector with the aggregate amount of taxes, interest, and
8 clerk's fees contained in the back tax book.

9 3. The collector shall collect such back taxes and may levy upon, seize and distrain
10 tangible personal property and may sell such property for taxes.

11 4. In the city of St. Louis, the city comptroller or other proper officer shall return the
12 back tax book together with the uncollected tax bills within thirty days to the city collector.

13 5. If any county commission or clerk **in counties not having a county auditor** fails to
14 comply with section 140.040, and this section, to the extent that the collection of taxes cannot
15 be enforced by law, the county commission or clerk, or their successors in office, shall correct
16 such omissions at once and return the back tax book to the collector who shall collect such taxes.

140.070. All back taxes, of whatever kind, whether state, county or school, or of any city
2 or incorporated town, which return delinquent tax lists to the county collector to collect,
3 appearing due upon delinquent real estates shall be extended in the back tax book made under
4 this chapter **or chapter 52, RSMo**. In case the collector of any city or town has omitted or
5 neglected to return to the county collector a list of delinquent lands and lots, as required by
6 section 140.670, the present authorities of the city or town may cause the delinquent list to be
7 certified, as by that section contemplated, and the delinquent taxes shall be by the county clerk
8 put upon the back tax book and collected by the collector under authority of this chapter.

140.080. **Except as provided in section 52.361, RSMo**, the county clerk and the county
2 collector shall compare the back tax book with the corrected delinquent land list made pursuant
3 to sections 140.030 and 140.040 respectively, and the clerk shall certify on the delinquent land
4 list on file in [his] **the clerk's** office that the list has been properly entered in the back tax book
5 and shall attach a certificate at the end of the back tax book that it contains a true copy of the
6 delinquent land list on file in [his] **the collector's** office.

140.160. 1. No proceedings for the sale of land and lots for delinquent taxes pursuant
2 to this chapter or unpaid special assessments as provided in section 67.469, RSMo, relating to
3 the collection of delinquent and back taxes and unpaid special assessments and providing for
4 foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings
5 therefor shall be commenced within three years after delinquency of such taxes and unpaid
6 special assessments, and any sale held pursuant to initial proceedings commenced within such

7 period of three years shall be deemed to have been in compliance with the provisions of said law
8 insofar as the time at which such sales are to be had is specified therein; provided further, that
9 in suits or actions to collect delinquent drainage and/or levee assessments on real estate such
10 suits or actions shall be commenced within three years after delinquency, otherwise no suit or
11 action therefor shall be commenced, had or maintained, except that the three-year limitation
12 described in this subsection shall not be applicable if any written instrument conveys any real
13 estate having a tax-exempt status, if such instrument causes such real estate to again become
14 taxable real property and if such instrument has not been recorded in the office of the recorder
15 in the county in which the real estate has been situated. Such three-year limitation shall only be
16 applicable once the recording of the title has occurred.

17 2. [In order to enable county and city collectors to be able to collect delinquent and back
18 taxes and unpaid special assessments,] The county auditor in all counties having a county auditor
19 shall annually audit [and list all delinquent and back taxes and unpaid special assessments]
20 **collections, deposits, and supporting reports of the collector** and provide a copy of such audit
21 [and list] to the county collector and to the governing body of the county. A copy of the audit
22 [and list] may be provided to [city collectors] **all applicable taxing entities** within the county
23 at the discretion of the county collector.

140.230. 1. When real estate has been sold for taxes or other debt by the sheriff or
2 collector of any county within the state of Missouri, and the same sells for a greater amount than
3 the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the
4 county, when such sale has been or may hereafter be made, to make a written statement
5 describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and
6 all costs in the case together with the amount of surplus money in each case. The statement shall
7 be subscribed and sworn to by the sheriff or collector making it before some officer competent
8 to administer oaths within this state, and then presented to the county commission of the county
9 where the sale has been or may be made; and on the approval of the statement by the
10 commission, the sheriff or collector making the same shall pay the surplus money into the county
11 treasury, take the receipt in duplicate of the treasurer for the overplus of money and retain one
12 of the duplicate receipts himself and file the other with the county commission, and thereupon
13 the commission shall charge the treasurer with the amount.

14 2. The treasurer shall place such moneys **in the county treasury to be held for the use**
15 **and benefit of the person entitled to such moneys or** to the credit of the school fund of the
16 county, to be held in trust for the term of three years for the owner or owners or their legal
17 representatives. At the end of three years, if such fund shall not be called for, then it shall
18 become a permanent school fund of the county.

19 3. County commissions shall compel owners or agents to make satisfactory proof of their
20 claims before receiving their money; provided, that no county shall pay interest to the claimant
21 of any such fund.

140.250. 1. Whenever any lands have been or shall hereafter be offered for sale for
2 delinquent taxes, interest, penalty and costs by the collector of the proper county for any two
3 successive years and no person shall have bid therefor a sum equal to the delinquent taxes
4 thereon, interest, penalty and costs provided by law, then such county collector shall at the next
5 regular tax sale of lands for delinquent taxes sell same to the highest bidder, and there shall be
6 a ninety-day period of redemption from such sales as specified in section 140.405.

7 2. No certificate of purchase shall issue as to such sales, but the purchaser at such sales
8 shall be entitled to the issuance and delivery of a collector's deed upon completion of title search
9 action as specified in section 140.405.

10 3. If any lands or lots are not sold at such third offering, then the collector, in his
11 discretion, need not again advertise or offer such lands or lots for sale more often than once every
12 five years after the third offering of such lands or lots, and such offering shall toll the operation
13 of any applicable statute of limitations.

14 4. A purchaser at any sale subsequent to the third offering of any land or lots, **whether**
15 **by the collector or a trustee as provided in section 140.260**, shall be entitled to the immediate
16 issuance and delivery of a collector's deed and there shall be no period of redemption from **any**
17 such sales **after the third offering**; provided, however, before any purchaser at a sale to which
18 this section is applicable shall be entitled to a collector's deed it shall be the duty of the collector
19 to demand, and the purchaser to pay, in addition to his bid, all taxes due and unpaid on such
20 lands or lots that become due and payable on such lands or lots subsequent to the date of the
21 taxes included in such advertisement and sale. **The collector's deed or trustee's deed shall**
22 **have priority over all other liens or encumbrances on the property sold except for real**
23 **property taxes or federal liens. Any surplus shall be paid to the county treasury.**

24 5. In the event the real purchaser at any sale to which this section is applicable shall be
25 the owner of the lands or lots purchased, or shall be obligated to pay the taxes for the
26 nonpayment of which such lands or lots were sold, then no collector's deed shall issue to such
27 purchaser, or to anyone acting for or on behalf of such purchaser, without payment to the
28 collector of such additional amount as will discharge in full all delinquent taxes, penalty, interest
29 and costs.

140.260. 1. It shall be lawful for the county commission of any county, and the
2 comptroller, mayor and president of the board of assessors of the city of St. Louis, to designate
3 and appoint a suitable person or persons with discretionary authority to bid at all sales to which
4 section 140.250 is applicable, and to purchase at such sales all lands or lots necessary to protect

5 all taxes due and owing and prevent their loss to the taxing authorities involved from inadequate
6 bids.

7 2. Such person or persons so designated are hereby declared as to such purchases and
8 as titleholders pursuant to collector's deeds issued on such purchases, to be trustees for the
9 benefit of all funds entitled to participate in the taxes against all such lands or lots so sold.

10 3. Such person or persons so designated shall not be required to pay the amount bid on
11 any such purchase but the collector's deed issuing on such purchase shall recite the delinquent
12 taxes for which said lands or lots were sold, the amount due each respective taxing authority
13 involved, and that the grantee in such deed or deeds holds title as trustee for the use and benefit
14 of the fund or funds entitled to the payment of the taxes for which said lands or lots were sold.

15 4. The costs of all collectors' deeds, the recording of same and the advertisement of such
16 lands or lots shall be paid out of the county treasury in the respective counties and such fund as
17 may be designated therefor by the authorities of the city of St. Louis.

18 5. All lands or lots so purchased shall be sold and deeds ordered executed and delivered
19 by such trustees upon order of the county commission of the respective counties and the
20 comptroller, mayor and president of the board of assessors of the city of St. Louis, and the
21 proceeds of such sales shall be applied, first, to the payment of the costs incurred and advanced,
22 and the balance shall be distributed pro rata to the funds entitled to receive the taxes on the lands
23 or lots so disposed of, **and then any excess proceeds shall be distributed to the county**
24 **treasurer to be held for the use and benefit of the person or persons entitled to such**
25 **proceeds.**

26 6. Upon appointment of any such person or persons to act as trustee as herein designated
27 a certified copy of the order making such appointment shall be delivered to the collector, and if
28 such authority be revoked a certified copy of the revoking order shall also be delivered to the
29 collector.

30 7. Compensation to trustees as herein designated shall be payable solely from proceeds
31 derived from the sale of lands purchased by them as such trustees and shall be fixed by the
32 authorities herein designated, but not in excess of ten percent of the price for which any such
33 lands and lots are sold by the trustees; provided further, that if at any such sale any person bid
34 a sufficient amount to pay in full all delinquent taxes, penalties, interest and costs, then the
35 trustees herein designated shall be without authority to further bid on any such land or lots. **If**
36 **a third party is a successful bidder and there are excess proceeds, such proceeds shall be**
37 **distributed as provided in subsection 5 of this section.**

38 8. If the county commission of any county does not designate and appoint a suitable
39 person or persons as trustee or trustees, so appointed, or the trustee or trustees do not accept
40 property after the third offering where no sale occurred then it shall be at the discretion of the

41 collector to sell such land subsequent to the third offering of such land and lots at any time and
42 for any amount.

140.290. 1. After payment shall have been made the county collector shall give the
2 purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry
3 a numerical number and which shall describe the land so purchased, each tract or lot separately
4 stated, the total amount of the tax, with penalty, interest and costs, and the year or years of
5 delinquency for which said lands or lots were sold, separately stated, and the aggregate of all
6 such taxes, penalty, interest and costs, and the sum bid on each tract.

7 2. If the purchaser bid for any tract or lot of land a sum in excess of the delinquent tax,
8 penalty, interest and costs for which said tract or lot of land was sold, such excess sum shall also
9 be noted in the certificate of purchase, in a separate column to be provided therefor. Such
10 certificate of purchase shall also recite the name and address of the owner or reputed owner if
11 known, and if unknown then the party or parties to whom each tract or lot of land was assessed,
12 together with the address of such party, if known, and shall also have incorporated therein the
13 name and address of the purchaser. Such certificate of purchase shall also contain the true date
14 of the sale and the time when the purchaser will be entitled to a deed for said land, if not
15 redeemed as in this chapter provided, and the rate of interest that such certificate of purchase
16 shall bear, which rate of interest shall not exceed the sum of ten percent per annum. Such
17 certificate shall be authenticated by the county collector, who shall record the same in a
18 permanent record book in his office before delivery to the purchaser.

19 3. Such certificate shall be assignable, but no assignment thereof shall be valid unless
20 endorsed on such certificate and acknowledged before some officer authorized to take
21 acknowledgment of deeds and an entry of such assignment entered in the record of said
22 certificate of purchase in the office of the county collector.

23 4. For each certificate of purchase issued, including the recording of the same, the county
24 collector shall be entitled to receive and retain a fee of fifty cents, to be paid by the purchaser and
25 treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment
26 of any certificate the county collector shall be entitled to a fee of twenty-five cents, to be paid
27 by the person requesting such recital of assignment, and which shall not be treated as a part of
28 the cost of the sale.

29 5. No collector shall be authorized to issue a certificate of purchase to any nonresident
30 of the state of Missouri or to enter a recital of any assignment of such certificate upon his record
31 to a nonresident of the state, until such purchaser or assignee of such purchaser, as the case may
32 be, shall have complied with the provisions of section 140.190 pertaining to nonresident
33 purchasers.

34 **6. This section shall not apply to any post-third year tax sale.**

140.310. 1. The purchaser of any tract or lot of land at sale for delinquent taxes, homesteads excepted, shall at any time after one year from the date of sale be entitled to the immediate possession of the premises so purchased during the redemption period provided for in this law, unless sooner redeemed; provided, however, any owner or occupant of any tract or lot of land purchased may retain possession of said premises by making a written assignment of, or agreement to pay, rent certain or estimated to accrue during such redemption period or so much thereof as shall be sufficient to discharge the bid of the purchaser with interest thereon as provided in the certificate of purchase.

2. The purchaser, his heirs or assigns, may enforce his rights under said written assignment or agreement in any manner now authorized or hereafter authorized by law for the collection of delinquent and unpaid rent; provided further, nothing herein contained shall operate to the prejudice of any owner not in default and whose interest in the tract or lot of land is not encumbered by the certificate of purchase, nor shall it prejudice the rights of any occupant of any tract or lot of land not liable to pay taxes thereon nor such occupant's interest in any planted, growing or unharvested crop thereon.

3. Any additions or improvements made to any tract or lot of land by any occupant thereof, as tenant or otherwise, and made prior to such tax sale, which such occupant would be permitted to detach and remove from the land under his contract of occupancy shall also, to the same extent, be removable against the purchaser, his heirs or assigns.

4. Any rent collected by the purchaser, his heirs or assigns, shall operate as a payment upon the amount due the holder of such certificate of purchase, and such amount or amounts, together with the date paid and by whom shall be endorsed as a credit upon said certificate, and which said sums shall be taken into consideration in the redemption of such land, as provided for in this chapter.

5. Any purchaser, heirs or assigns, in possession within the period of redemption against whom rights of redemption are exercised shall be protected in the value of any planted, growing and/or unharvested crop on the lands redeemed in the same manner as such purchaser, heirs or assigns would be protected in valuable and lasting improvements made upon said lands after the period of redemption and referred to in section 140.360.

6. The one-year redemption period shall not apply to third year tax sales, but the ninety-day redemption period as provided in section 140.405 shall apply to such sales. There shall be no redemption period for a post-third year tax sale.

140.340. 1. The owner or occupant of any land or lot sold for taxes, or any other persons having an interest therein, may redeem the same at any time during the one year next ensuing, in the following manner: by paying to the county collector, for the use of the purchaser, his heirs or assigns, the full sum of the purchase money named in his certificate of purchase and all the

5 cost of the sale, **including the cost of the title search and mailing of notification required in**
6 **sections 140.250 to 140.405**, together with interest at the rate specified in such certificate, not
7 to exceed ten percent annually, except on a sum paid by a purchaser in excess of the delinquent
8 taxes due plus costs of the sale, no interest shall be owing on the excess amount, with all
9 subsequent taxes which have been paid thereon by the purchaser, his heirs or assigns, with
10 interest at the rate of eight percent per annum on such taxes subsequently paid, and in addition
11 thereto the person redeeming any land shall pay the costs incident to entry of recital of such
12 redemption.

13 2. Upon deposit with the county collector of the amount necessary to redeem as herein
14 provided, it shall be the duty of the county collector to mail to the purchaser, his heirs or assigns,
15 at the last post office address if known, and if not known, then to the address of the purchaser
16 as shown in the record of the certificate of purchase, notice of such deposit for redemption.

17 3. Such notice, given as herein provided, shall stop payment to the purchaser, his heirs
18 or assigns, of any further interest or penalty.

19 4. In case the party purchasing said land, his heirs or assigns, fails to take a tax deed for
20 the land so purchased within six months after the expiration of the one year next following the
21 date of sale, no interest shall be charged or collected from the redemptioner after that time.

140.405. Any person purchasing property at a delinquent land tax auction shall not
2 acquire the deed to the real estate, as provided for in section 140.420, until the [person]
3 **purchaser** meets with the [following requirement or until such person makes affidavit that a title
4 search has revealed no publicly recorded deed of trust, mortgage, lease, lien or claim on the real
5 estate] **requirements of this section. [At least] The purchaser shall obtain a title search from**
6 **a licensed attorney, abstract, or title company** ninety days prior to the date when a purchaser
7 is authorized to acquire the deed[.]. The purchaser shall notify any person who holds a publicly
8 recorded deed of trust, mortgage, lease, lien or claim upon that real estate of the latter person's
9 right to redeem such person's publicly recorded security or claim. Notice shall be sent by
10 certified mail to any such person, including one who was the publicly recorded owner of the
11 property sold at the delinquent land tax auction previous to such sale, at such person's last known
12 available address, **except that no ninety-day notice is required for post-third year tax sales**
13 **as provided in subsection 4 of section 140.250.** Failure of the purchaser to comply with this
14 provision shall result in such purchaser's loss of all interest in the real estate. If any real estate
15 is purchased at a third-offering tax auction and has a publicly recorded deed of trust, mortgage,
16 lease, lien or claim upon the real estate, the purchaser of said property at a third-offering tax
17 auction shall notify anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim
18 upon the real estate pursuant to this section **within forty-five days after the purchase at the**
19 **collector's sale.** Once the purchaser has [notified] **provided to** the county collector [by affidavit

20 that proper notice has been given] **a copy of the title search, notice, and mail certification,**
21 anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the property
22 shall have ninety days **from the date of mail certification** to redeem said property or be forever
23 barred from redeeming said property, **except that no notice is required for post-third year tax**
24 **sales as provided in subsection 4 of section 140.250.** If the county collector chooses to have
25 the title search done then the county collector must comply with all provisions of this section,
26 and may charge the purchaser the cost of the title search before giving the purchaser a deed
27 pursuant to section 140.420.

140.420. If no person shall redeem the lands sold for taxes, **if redemption is allowed,**
2 within one year [from the sale] **or within ninety days of the notice as specified in section**
3 **140.405 after a third-year tax sale,** at the expiration thereof, and on production of certificate
4 of purchase, the collector of the county in which the sale of such lands took place shall execute
5 to the purchaser, his heirs or assigns, in the name of the state, a conveyance of the real estate so
6 sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all
7 claims thereon for unpaid taxes except such unpaid taxes existing at time of the purchase of said
8 lands and the lien for which taxes was inferior to the lien for taxes for which said tract or lot of
9 land was sold.

140.730. 1. Tangible personal property taxes assessed on and after January 1, 1946, and
2 all personal taxes delinquent at that date, shall constitute a debt, as of the date on which such
3 taxes were levied for which a personal judgment may be recovered against the party assessed
4 with such taxes before any court of this state having jurisdiction. **Delinquent personal**
5 **property taxes shall be subject to the same interest and penalties prescribed for delinquent**
6 **real property taxes.**

7 2. All actions commenced pursuant to this law shall be prosecuted in the name of the
8 state of Missouri, at the relation and to the use of the collector and against the person or persons
9 named in the tax bill, and in one petition and in one count thereof may be included the said taxes
10 for all such years as may be delinquent and unpaid, and said taxes shall be set forth in a tax bill
11 or bills of said personal back taxes duly authenticated by the certificate of the collector and filed
12 with the petition; and said tax bill or tax bills so certified shall be prima facie evidence that the
13 amount claimed in said suit is just and correct, and all notices and process in suits pursuant to
14 this chapter shall be sued and served in the same manner as in civil actions, and the general laws
15 of this state as to practice and proceedings and appeals and writs of error in civil cases shall
16 apply, as far as applicable, to the above actions; provided, however, that in no case shall the state,
17 county, city or collector be liable for any costs nor shall any be taxed against them or any of
18 them.

19 3. For the purpose of this chapter, personal tax bills shall become delinquent on the first
20 day of January following the year the taxes are due, and suits thereon may be instituted on and
21 after the first day of February following, and within three years from said day. If the collector,
22 after using due diligence, is unable to collect any personal property taxes charged in the
23 delinquent tax list within three years following the year the taxes are due, the collector may
24 remove such personal property taxes from the delinquent or back taxes books in the same manner
25 as real estate is removed under section 137.260, RSMo. Such abated amounts shall be reported
26 on the annual settlement made by a collector of revenue.

27 4. Said personal tax shall be presented and allowed against the estates of deceased or
28 insolvent debtors, in the same manner and with like effect, as other indebtedness of said debtors.
29 The remedy hereby provided for the collection of personal tax bills is cumulative, and shall not
30 in any manner impair other methods existing or hereafter provided for the collection of the same.

 141.150. Fees shall be allowed for services rendered under the provisions of sections
2 141.010 to 141.160 as follows:

3 (1) To the collector [two percent on all sums collected; such percent] **the fee authorized**
4 **by section 52.290, RSMo**, to be taxed as costs and collected from the party redeeming, or from
5 the proceeds of sale, as herein provided;

6 (2) To the collector for making the back tax book, twenty-five cents per tract, to be taxed
7 as costs and collected from the party redeeming such tract;

8 (3) To the collector, attorney's fees in the sum of five percent of the amount of taxes
9 actually collected and paid into the treasury after judgment is obtained or if such taxes are paid
10 before judgment, but after suit is instituted, two percent on all sums collected and paid into the
11 treasury; and an additional sum in the amount of two dollars for each suit instituted pursuant to
12 the provisions of sections 141.010 to 141.160, where publication is not necessary, and in the
13 amount of five dollars for each suit where publication is necessary, which sums shall be taxed
14 and collected as other costs;

15 (4) To the circuit clerk, associate circuit judge, sheriff and printer, such fees as are
16 allowed by law for like services in civil cases, which shall be taxed as costs in the case; provided,
17 that in no case shall the state or county be liable for any such costs, nor shall the county
18 commission or state auditor or commissioner of administration allow any claim for any costs
19 incurred by the provisions of this law; provided further, that all fees collected shall be accounted
20 for and all fees collected, except those allowed the printer, shall be paid to the county treasurer
21 at such times and in the manner as otherwise provided by law.

22 141.440. The collector shall also cause to be prepared and sent by [restricted, registered
23 or certified] **United States** mail with postage prepaid, within thirty days after the filing of such
24 petition, a brief notice of the filing of the suit, to the persons named in the petition as being the

25 last known persons in whose names tax bills affecting the respective parcels of real estate
26 described in said petition were last billed or charged on the books of the collector, or the last
27 known owner of record, if different, and to the addresses of said persons upon said records of the
28 collector. [The terms "restricted", "registered" or "certified mail" as used in this section mean
29 mail which carries on the face thereof in a conspicuous place, where it will not be obliterated,
30 the endorsement "DELIVER TO ADDRESSEE ONLY", and which also requires] **All such mail**
31 **shall require** a return receipt or a statement by the postal authorities that the addressee refused
32 to receive and receipt for such mail. If the notice is returned to the collector by the postal
33 authorities as undeliverable for reasons other than the refusal by the addressee to receive and
34 receipt for the notice as shown by the return receipt, then the collector shall make a search of the
35 records maintained by the county, including those kept by the recorder of deeds, to discern the
36 name and address of any person who, from such records, appears as a successor to the person to
37 whom the original notice was addressed, and to cause another notice to be mailed to such person.
38 The collector shall prepare and file with the circuit clerk at least thirty days before judgment is
39 entered by the court on the petition an affidavit reciting to the court any name, address and serial
40 number of the tract of real estate affected by any such notices of suit that are undeliverable
41 because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise
42 nondeliverable by mail, or in the event that any name or address does not appear on the records
43 of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall
44 also state reason for the nondelivery of such notice.

141.500. 1. After the trial of the issues, the court shall, as promptly as circumstances
2 permit, render judgment. If the court finds that no tax bill upon the land collectible by the
3 collector or the relator was delinquent when the suit was instituted or tried, then the judgment
4 of the court shall be that the cause be dismissed as to the parcels of real estate described in the
5 tax bill; or, if the evidence warrant, the judgment may be for the principal amount of the
6 delinquent tax bills upon the real estate upon which suit was brought, together with interest,
7 penalties, attorney's and appraiser's fees and costs computed as of the date of the judgment. The
8 judgment may recite the amount of each tax bill, the date when it began to bear interest, and the
9 rate of such interest, together with the rate and amount of penalties, attorney's and appraiser's fees
10 not to exceed fifteen dollars. It may decree that the lien upon the parcels of real estate described
11 in the tax bill be foreclosed and such real estate sold by the sheriff, and the cause shall be
12 continued for further proceedings, as herein provided.

13 2. The collector may, at his option, cause to be prepared and sent by [restricted,
14 registered or certified] **United States** mail with postage prepaid, within thirty days after the
15 rendering of such judgment, a brief notice of such judgment and the availability of a written
16 redemption contract pursuant to section 141.530 to the persons named in the judgment as being

17 the last known persons in whose names tax bills affecting the respective parcels of real estate
18 described in such judgment were last billed or charged on the books of the collector, or the last
19 known owner of record, if different, and to the addresses of such persons upon the records of the
20 collector. [The terms "restricted", "registered" or "certified mail" as used in this section mean
21 mail which carries on the face thereof in a conspicuous place, where it will not be obliterated,
22 the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires] **All such mail**
23 **shall require** a return receipt or a statement by the postal authorities that the addressee refused
24 to receive and receipt for such mail. If the notice is returned to the collector by the postal
25 authorities as undeliverable for reasons other than the refusal by the addressee to receive and
26 receipt for the notice as shown by the return receipt, then the collector shall make a search of the
27 records maintained by the county, including those kept by the recorder of deeds, to discern the
28 name and address of any person who, from such records, appears as a successor to the person to
29 whom the original notice was addressed, and to cause another notice to be mailed to such person.
30 The collector shall prepare and file with the circuit clerk prior to confirmation hearings an
31 affidavit reciting to the court any name, address and serial number of the tract of real estate
32 affected of any such notices of judgment that are undeliverable because of an addressee's refusal
33 to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the
34 event that any name or address does not appear on the records of the collector, then of that fact.
35 The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery
36 of such notice.

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate
2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell
3 the respective parcels of real estate ordered sold by him or her pursuant to any judgment of
4 foreclosure by any court pursuant to sections 141.210 to 141.810 at any of such courthouses, but
5 the sale of such parcels of real estate shall be held at the same front door as sales of real estate
6 are customarily made by the sheriff under execution.

7 2. Such advertisements may include more than one parcel of real estate, and shall be in
8 substantially the following form: NOTICE OF SHERIFF'S SALE UNDER JUDGMENT OF
9 FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES

10 No. In the Circuit Court of County, Missouri. In the Matter of Foreclosure
11 of Liens for Delinquent Land Taxes Collector of Revenue of County, Missouri, Plaintiff,
12 --vs.-- Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

13 WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest,
14 penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the
15 description thereof, the name of the person appearing in the petition in the suit, and the total
16 amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and

17 costs, all as set out in said judgment and described in each case, respectively, as follows: (Here
18 set out the respective serial numbers, descriptions, names and total amounts of each judgment,
19 next above referred to.) and,

20 WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to
21 satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

22 NOW, THEREFORE,

23 Public Notice is hereby given that I, Sheriff of County, Missouri, will sell
24 such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the
25 hours of nine o'clock A.M. and five o'clock P.M., at the front door of the County
26 Courthouse in, Missouri, on, the day of, 20..., and continuing from day to day
27 thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable
28 bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of
29 (insert name of County), Missouri.

30 Any bid received shall be subject to confirmation by the court.

31
32 Sheriff of

33 County,
34 Missouri.

35

36 Delinquent Land Tax Attorney

37 Address:

38

39 First Publication,

40 20...

41 3. Such advertisement shall be published four times, once a week, upon the same day of
42 each week during successive weeks prior to the date of such sale, in a daily newspaper of general
43 circulation regularly published in the county, qualified according to law for the publication of
44 public notices and advertisements.

45 4. In addition to the provisions herein for notice and advertisement of sale, the county
46 collector shall enter upon the property subject to foreclosure of these tax liens and post a written
47 informational notice in any conspicuous location thereon. This notice shall describe the property
48 and advise that it is the subject of delinquent land tax collection proceedings before the circuit
49 court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment
50 of delinquent taxes at a sale to be held at ten o'clock a.m., date and place, and shall also contain
51 a file number and the address and phone number of the collector. If the collector chooses to post

52 such notices as authorized by this subsection, such posting must be made not later than the
53 fourteenth day prior to the date of the sale.

54 5. The collector shall, concurrently with the beginning of the publication of sale, cause
55 to be prepared and sent by [restricted, registered or certified] **United States** mail with postage
56 prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens
57 pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last
58 known persons in whose names tax bills affecting the respective parcels of real estate described
59 in said petition were last billed or charged on the books of the collector, or the last known owner
60 of record, if different, and to the addresses of said persons upon said records of the collector.
61 [The terms "restricted", "registered" or "certified mail" as used in this section mean mail which
62 carries on the face thereof in a conspicuous place, where it will not be obliterated, the
63 endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires] **All such mail**
64 **shall require** a return receipt or a statement by the postal authorities that the addressee refused
65 to receive and receipt for such mail. If the notice is returned to the collector by the postal
66 authorities as undeliverable for reasons other than the refusal by the addressee to receive and
67 receipt for the notice as shown by the return receipt, then the collector shall make a search of the
68 records maintained by the county, including those kept by the recorder of deeds, to discern the
69 name and address of any person who, from such records, appears as a successor to the person to
70 whom the original notice was addressed, and to cause another notice to be mailed to such person.
71 The collector shall prepare and file with the circuit clerk prior to confirmation hearings an
72 affidavit reciting to the court any name, address and serial number of the tract of real estate
73 affected of any such notices of sale that are undeliverable because of an addressee's refusal to
74 receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the
75 event that any name or address does not appear on the records of the collector, then of that fact.
76 The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery
77 of such notice.

78 6. The collector may, at his or her option, concurrently with the beginning of the
79 publication of sale, cause to be prepared and sent by [restricted, registered or certified] **United**
80 **States** mail with postage prepaid, a brief notice of the date, location, and time of sale of property
81 in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security
82 holder, if known, of the respective parcels of real estate described in said petition, and to the
83 addressee of such mortgagee or security holder according to the records of the collector. [The
84 terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries
85 on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement,
86 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement
87 by the postal authorities that the addressee refused to receive and receipt for such mail.] If the

88 notice is returned to the collector by the postal authorities as undeliverable for reasons other than
89 the refusal by the addressee to receive and receipt for the notice as shown by the return receipt,
90 then the collector shall make a search of the records maintained by the county, including those
91 kept by the recorder of deeds, to discern the name and address of any security holder who, from
92 such records, appears as a successor to the security holder to whom the original notice was
93 addressed, and to cause another notice to be mailed to such security holder. The collector shall
94 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the
95 court any name, address and serial number of the tract of real estate affected by any such notices
96 of sale that are undeliverable because of an addressee's refusal to receive and receipt for the
97 same, or of any notice otherwise nondeliverable by mail, and stating the reason for the
98 nondelivery of such notice.

141.640. Upon the filing of any delinquent tax bill or bills or any list thereof with the
2 collector, as provided in sections 141.210 to 141.810, there shall be imposed and charged on
3 each such tax bill [a collector's commission of two percent of the principal amount of such
4 delinquent tax bill] **the fee authorized under section 52.290, RSMo**, as an additional penalty
5 and part of the lien thereof to be paid to the collector on all such tax bills collected by him, which
6 [two percent penalty] **fee** shall be collected from the party redeeming the parcel of real estate
7 upon which the tax bill is a lien, and shall be accounted for by the collector as other similar
8 penalties are collected by him on delinquent land taxes upon which suit has not been filed, or,
9 if filed, was not filed under the provisions of sections 141.210 to 141.810.

143.431. 1. The Missouri taxable income of a corporation taxable under sections
2 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the
3 modifications specified in subsections 2 to 4 of this section, as is derived from sources within
4 Missouri as provided in section 143.451. The tax of a corporation shall be computed on its
5 Missouri taxable income at the rates provided in section 143.071. 2. There shall be added to
6 or subtracted from federal taxable income the modifications to adjusted gross income provided
7 in section 143.121 and the applicable modifications to itemized deductions provided in section
8 143.141. There shall be subtracted the federal income tax deduction provided in section
9 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate
10 dividends from sources within Missouri.

11 3. (1) If an affiliated group of corporations files a consolidated income tax return for the
12 taxable year for federal income tax purposes [and fifty percent or more of its income is derived
13 from sources within this state as determined in accordance with section 143.451], then it may
14 elect to file a Missouri consolidated income tax return. The federal consolidated taxable income
15 of the electing affiliated group for the taxable year shall be its federal taxable income.

16 (2) So long as a federal consolidated income tax return is filed, an election made by an
17 affiliated group of corporations to file a Missouri consolidated income tax return may be
18 withdrawn or revoked only upon substantial change in the law or regulations adversely changing
19 tax liability under this chapter, or with permission of the director of revenue upon the showing
20 of good cause for such action. After such a withdrawal or revocation with respect to an affiliated
21 group, it may not file a Missouri consolidated income tax return for five years thereafter, except
22 with the approval of the director of revenue, and subject to such terms and conditions as he may
23 prescribe.

24 (3) No corporation which is part of an affiliated group of corporations filing a Missouri
25 consolidated income tax return shall be required to file a separate Missouri corporate income tax
26 return for the taxable year.

27 (4) For each taxable year an affiliated group of corporations filing a federal consolidated
28 income tax return does not file a Missouri consolidated income tax return, for purposes of
29 computing the Missouri income tax, the federal taxable income of each member of the affiliated
30 group shall be determined as if a separate federal income tax return had been filed by each such
31 member.

32 (5) The director of revenue may prescribe such regulations not inconsistent with the
33 provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated
34 group of corporations making a Missouri consolidated income tax return, and of each corporation
35 in the group, before, during, and after the period of affiliation, may be returned, determined,
36 computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri
37 taxable income derived from sources within this state and in order to prevent avoidance of such
38 tax liability.

39 4. [If a net operating loss deduction is allowed for the taxable year, there shall be added
40 to federal taxable income the amount of the net operating loss modification for each loss year
41 as to which a portion of the net operating loss deduction is attributable.] (1) As used in this
42 subsection, the following terms mean:

43 [(1) "Loss year", the taxable year in which there occurs a federal net operating loss that
44 is carried back or carried forward in whole or in part to another taxable year;

45 (2)] (a) **"Available net operating loss", the amount of federal net operating loss that**
46 **may be carried to the tax year for use as an offset in determining Missouri taxable income,**
47 **as adjusted by the net operating loss modification;**

48 (b) "Net addition modification", for any taxable year, the amount by which the sum of
49 all required additions to federal taxable income provided in this chapter, except for the net
50 operating loss modification, exceeds the combined sum of the amount of all required subtractions
51 from federal taxable income provided in this chapter;

52 [(3) "Net operating loss deduction", a net operating loss deduction allowed for federal
53 income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or
54 a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of
55 subsection 2 of section 143.121, but not including any net operating loss deduction that is
56 allowed for federal income tax purposes but disallowed for Missouri income tax purposes under
57 paragraph (d) of subsection 2 of section 143.121;

58 (4)] (c) "Net operating loss modification", [an amount equal to the lesser of the amount
59 of the net operating loss deduction attributable to that loss year or the amount by which the total
60 net operating loss in the loss year is less than the sum of:

61 (a) The net addition modification for that loss year; and

62 (b) The cumulative net operating loss deductions attributable to that loss year allowed
63 for the taxable year and all prior taxable years] **the amount of net operating loss deduction**
64 **used as an offset against a net addition modification or the amount of any net subtraction**
65 **modification as limited by subdivision (3) of this subsection;**

66 (d) "Net subtraction modification", for any taxable year, the amount by which the
67 sum of all required subtractions from federal taxable income provided in this chapter,
68 except for the net operating loss modification, exceeds the combined sum of the amount of
69 all required additions to federal taxable income provided by this chapter.

70 (2) For all taxable years ending on or after July 1, 2002, federal taxable income may
71 be a positive or negative amount. Federal taxable income shall be adjusted by the amount
72 of any available federal net operating loss carry forward or carry back, as modified by this
73 section, such that any available loss may offset a net addition modification as set forth in
74 this subsection. No person shall be denied an otherwise allowable depreciation deduction
75 under sections 143.011 to 143.996 over the life of any asset as a result of the addition
76 adjustment to federal taxable income required by section 143.121.

77 (3) For property purchased on or after July 1, 2002, but before July 1, 2003,
78 paragraph (c) of subsection 2 of section 143.121 and paragraph (g) of subsection 3 of
79 section 143.121 shall allow for the deduction of depreciation expense under Section 168 of
80 the Internal Revenue Code of 1986, as in effect on January 1, 2002. Where a subtraction
81 modification under paragraph (g) of subsection 3 of section 143.121 contributes to the
82 creation of a net subtraction modification, the amount of the net subtraction modification
83 shall be added to the amount of the available net operating loss. Such adjustment shall be
84 limited to the lesser of the amount of the net subtraction modification or the amount of the
85 subtraction modification required under paragraph (g) of subsection 3 of section 143.121.

86 (4) The amount of available net operating loss shall be established and maintained
87 for each taxable year in which a federal net operating loss occurred. Net operating loss

88 **modifications shall be made to amounts carried from any individual loss year in the order**
89 **allowed under paragraph (d) of subsection 2 of section 143.121.**

90 5. [For all tax years ending on or after July 1, 2002, federal taxable income may be a
91 positive or negative amount.] Subsection 4 of this section shall be effective for all tax years with
92 a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the
93 net operating loss modification shall only apply to loss years ending on or after July 1, 2002.

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and
11 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to
12 the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections
13 144.010 to 144.525 and 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with
23 the growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,

31 gases and manufactured goods, including without limitation, slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

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

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered
48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall
50 have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse
51 of materials within a manufacturing process or the use of a product previously recovered. The
52 material recovery processing plant shall qualify under the provisions of this section regardless
53 of ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

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

62 (7) Animals or poultry used for breeding or feeding purposes;

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

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

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

70 (11) Railroad rolling stock for use in transporting persons or property in interstate
71 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
72 more or trailers used by common carriers, as defined in section 390.020, RSMo, [solely] in the
73 transportation of persons or property [in interstate commerce];

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.

81 **There shall be a rebuttable presumption that the raw materials used in the primary**
82 **manufacture of automobiles contain at least twenty-five percent recovered materials.** For
83 purposes of this subdivision, "processing" means any mode of treatment, act or series of acts
84 performed upon materials to transform and reduce them to a different state or thing, including
85 treatment necessary to maintain or preserve such processing by the producer at the production
86 facility;

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

89 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
90 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
91 solely required for the installation, construction or reconstruction of such machinery, equipment,
92 appliances and devices, and so certified as such by the director of the department of natural
93 resources, except that any action by the director pursuant to this subdivision may be appealed to
94 the air conservation commission which may uphold or reverse such action;

95 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
96 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
97 solely required for the installation, construction or reconstruction of such machinery, equipment,
98 appliances and devices, and so certified as such by the director of the department of natural
99 resources, except that any action by the director pursuant to this subdivision may be appealed to
100 the Missouri clean water commission which may uphold or reverse such action;

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

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

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

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of

138 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
139 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
140 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
141 fair conducted by a county agricultural and mechanical society organized and operated pursuant
142 to sections 262.290 to 262.530, RSMo;

143 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
144 of feed additives, medications or vaccines administered to livestock or poultry in the production
145 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
146 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
147 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
148 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
149 defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new
150 generation cooperative or an eligible new generation processing entity as defined in section
151 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor
152 vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible
153 personal property which, when mixed with feed for livestock or poultry, is to be used in the
154 feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes
155 adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used
156 to improve or enhance the effect of a pesticide and the foam used to mark the application of
157 pesticides and herbicides for the production of crops, livestock or poultry. As used in this
158 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such
159 other new or used farm machinery and equipment and repair or replacement parts thereon, and
160 supplies and lubricants used exclusively, solely, and directly for producing crops, raising and
161 feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale
162 at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel
163 therefor which is:

164 (a) Used exclusively for agricultural purposes;
165 (b) Used on land owned or leased for the purpose of producing farm products; and
166 (c) Used directly in producing farm products to be sold ultimately in processed form or
167 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
168 ultimately in processed form at retail;

169 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
170 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
171 for domestic use and in any city not within a county, all sales of metered or unmetered water
172 service for domestic use;

173 (a) "Domestic use" means that portion of metered water service, electricity, electrical
174 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
175 within a county, metered or unmetered water service, which an individual occupant of a
176 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
177 service through a single or master meter for residential apartments or condominiums, including
178 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
179 Each seller shall establish and maintain a system whereby individual purchases are determined
180 as exempt or nonexempt;

181 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
182 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
183 with and approved by the Missouri public service commission. Sales and purchases made
184 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
185 of the occupants of residential apartments or condominiums through a single or master meter,
186 including service for common areas and facilities and vacant units, shall be considered as sales
187 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
188 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
189 service rate classification and the provision of service thereunder shall be conclusive as to
190 whether or not the utility must charge sales tax;

191 (c) Each person making domestic use purchases of services or property and who uses any
192 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
193 of the fourth month following the year of purchase, and without assessment, notice or demand,
194 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
195 nondomestic purchases of services or property and who uses any portion of the services or
196 property so purchased for domestic use, and each person making domestic purchases on behalf
197 of occupants of residential apartments or condominiums through a single or master meter,
198 including service for common areas and facilities and vacant units, under a nonresidential utility
199 service rate classification may, between the first day of the first month and the fifteenth day of
200 the fourth month following the year of purchase, apply for credit or refund to the director of
201 revenue and the director shall give credit or make refund for taxes paid on the domestic use
202 portion of the purchase. The person making such purchases on behalf of occupants of residential
203 apartments or condominiums shall have standing to apply to the director of revenue for such
204 credit or refund;

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

208 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
209 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
210 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local
211 sales taxes on such excise taxes;

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

217 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
218 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and
219 activities of such agency as provided pursuant to the compact;

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

224 (29) All livestock sales when either the seller is engaged in the growing, producing or
225 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
226 or leasing of such livestock;

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

229 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other
230 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
231 products or in any material recovery processing plant as defined in subdivision (4) of subsection
232 2 of this section;

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

235 (33) Tangible personal property purchased for use or consumption directly or exclusively
236 in the research and development of prescription pharmaceuticals consumed by humans or
237 animals;

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

239 (35) All sales of feed which are developed for and used in the feeding of pets owned by
240 a commercial breeder when such sales are made to a commercial breeder, as defined in section
241 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

242 (36) All purchases by a contractor on behalf of an entity located in another state,
243 provided that the entity is authorized to issue a certificate of exemption for purchases to a

244 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
245 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
246 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
247 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
248 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
249 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
250 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
251 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
252 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
253 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
254 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
255 or remodeling facilities for the following:

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

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

261 (37) Tangible personal property purchased for use or consumption directly or exclusively
262 in research or experimentation activities performed by life science companies and so certified
263 as such by the director of the department of economic development or the director's designees;
264 except that, the total amount of exemptions certified pursuant to this section shall not exceed one
265 million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of
266 this subdivision, the term "life science companies" means companies whose primary research
267 activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North
268 American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech
269 research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary
270 services). The exemption provided by this subdivision shall expire on June 30, 2003;

271 (38) All sales or other transfers of tangible personal property to a lessor who leases the
272 property under a lease of one year or longer executed or in effect at the time of the sale or other
273 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo,
274 or sections 238.010 to 238.100, RSMo; [and]

275 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility
276 owned or operated by a governmental authority or commission, a quasi-governmental agency,
277 a state university or college or by the state or any political subdivision thereof, including a
278 municipality, and that is played on a neutral site and may reasonably be played at a site located

279 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
280 is not located on the campus of a conference member institution participating in the event;

281 **(40) Sales of textbooks, as defined by section 170.051, RSMo, when such textbook**
282 **is purchased for use by a person at any Missouri public or private university, college, or**
283 **other postsecondary institution of higher learning offering a course of study leading to a**
284 **degree in the liberal arts, humanities, or sciences or in a professional, vocational, or**
285 **technical field, provided that the books which are exempt from state and local sales and use**
286 **tax are those required or recommended for a class. Upon request, the institution or**
287 **department shall provide at least one list of textbooks to the bookstore each semester;**

288 **(41) All sales of fencing materials used for agricultural purposes.**

144.053. In addition to all other exemptions granted under this chapter, there is
2 **also specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600**
3 **to 144.748, section 238.235, RSMo, and from the provisions of any local sales tax law as**
4 **defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or**
5 **payable under sections 144.010 to 144.525 and 144.600 to 144.748, section 238.235, RSMo,**
6 **and under any local sales tax law as defined in section 32.085, RSMo, all sales and**
7 **purchases of tangible personal property, utilities, services, or any other transaction that**
8 **would otherwise be subject to the state or local sales or use tax when such sales are made**
9 **to or purchases are made by a contractor for use in fulfillment of any obligation under a**
10 **defense contract with the United States government.**

144.055. In addition to all other exemptions granted under this chapter, there is
2 **also specifically exempted from the provisions of the local sales tax law as defined in section**
3 **32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to**
4 **144.745 and from the computation of the tax levied, assessed, or payable under the local**
5 **sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections**
6 **144.010 to 144.525 and 144.600 to 144.745, all sales and leases of tangible personal property**
7 **by any county, city, incorporated town, or village, provided such sale or lease is authorized**
8 **under chapter 100, RSMo.**

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or
2 **outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales**
3 **tax law makes application to the director of revenue for an official certificate of title and the**
4 **registration of the automobile, trailer, boat, or outboard motor as otherwise provided by law, he**
5 **shall present to the director of revenue evidence satisfactory to the director of revenue showing**
6 **the purchase price exclusive of any charge incident to the extension of credit paid by or charged**
7 **to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that**
8 **no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the**

9 applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the
10 Missouri sales tax law in addition to the registration fees now or hereafter required according to
11 law, and the director of revenue shall not issue a certificate of title for any new or used motor
12 vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax
13 law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid
14 as herein provided or is registered under the provisions of subsection 5 of this section.

15 2. As used above, the term "purchase price" shall mean the total amount of the contract
16 price agreed upon between the seller and the applicant in the acquisition of the motor vehicle,
17 trailer, boat, or outboard motor, regardless of the medium of payment therefor. **The purchase**
18 **price of a motor vehicle shall be reduced by the cost of modifying the motor vehicle to**
19 **permit the use of such motor vehicle by individuals with disabilities. If the cost is not set**
20 **forth in the contract, the cost may be determined by calculating the difference between the**
21 **Kelly Blue Book retail value of the motor vehicle without modification and the purchase**
22 **price of the motor vehicle.**

23 3. In the event that the purchase price is unknown or undisclosed, or that the evidence
24 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by
25 the director.

26 4. The director of the department of revenue shall endorse upon the official certificate
27 of title issued by him upon such application an entry showing that such sales tax has been paid
28 or that the vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from
29 sales tax and state the ground for such exemption.

30 5. Any person, company, or corporation engaged in the business of renting or leasing
31 motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental
32 or lease purposes, and not for resale, may apply to the director of revenue for authority to operate
33 as a leasing company. Any company approved by the director of revenue may pay the tax due
34 on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time
35 of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010,
36 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company
37 which does not exercise the option of paying in accordance with section 144.020, on the amount
38 charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard
39 motor is domiciled in this state. Any motor vehicle, boat, or outboard motor which is leased as
40 the result of a contract executed in this state shall be presumed to be domiciled in this state.

41 6. Any corporation may have one or more of its divisions separately apply to the director
42 of revenue for authorization to operate as a leasing company, provided that the corporation:

43 (1) Has filed a written consent with the director authorizing any of its divisions to apply
44 for such authority;

- 45 (2) Is authorized to do business in Missouri;
- 46 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from
- 47 one of its divisions to another of its divisions as a sale at retail within the meaning of subdivision
- 48 (9) of subsection 1 of section 144.010;
- 49 (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230,
- 50 RSMo, each of its divisions doing business in Missouri as a leasing company; and
- 51 (5) Operates each of its divisions on a basis separate from each of its other divisions.
- 52

53 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a

54 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to

55 sections 301.550 to [301.575] **301.573**, RSMo, the provisions in subdivision (3) of this

56 subsection shall not apply.

57 7. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge

58 and collect sales tax as provided hereinabove, he shall make application to the director of

59 revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing

60 company. The director of revenue shall promulgate rules and regulations determining the

61 qualifications of such a company, and the method of collection and reporting of sales tax charged

62 and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or

63 outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing

64 companies under the provisions of subsection 5 of this section, and no motor vehicle renting or

65 leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come

66 under sections 144.010, 144.020, 144.070 and 144.440 unless all vehicles, trailers, boats, and

67 outboard motors held for renting and leasing are included.

144.440. 1. In addition to all other taxes now or hereafter levied and imposed upon

2 every person for the privilege of using the highways or waterways of this state, there is hereby

3 levied and imposed a tax equivalent to four percent of the purchase price, as defined in section

4 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard

5 motors purchased or acquired for use on the highways or waters of this state which are required

6 to be registered under the laws of the state of Missouri.

7 2. At the time the owner of any such motor vehicle, trailer, boat, or outboard motor

8 makes application to the director of revenue for an official certificate of title and the registration

9 of the same as otherwise provided by law, he shall present to the director of revenue evidence

10 satisfactory to the director showing the purchase price paid by or charged to the applicant in the

11 acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle,

12 trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle,

13 trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or

14 cause to be paid to the director of revenue the tax provided herein. **The purchase price of a**
15 **motor vehicle shall be reduced by the cost of modifying the motor vehicle to permit the use**
16 **of such motor vehicle by individuals with disabilities. If the cost is not set forth in the**
17 **contract, the cost may be determined by calculating the difference between the Kelly Blue**
18 **Book retail value of the motor vehicle without modification and the purchase price of the**
19 **motor vehicle.**

20 3. In the event that the purchase price is unknown or undisclosed, or that the evidence
21 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by
22 the director.

23 4. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard
24 motor unless the tax for the privilege of using the highways or waters of this state has been paid
25 or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection
26 5 of this section.

27 5. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used
28 exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020
29 at the time of registration or in lieu thereof may pay a use tax as provided in sections 144.010,
30 144.020, 144.070 and 144.440. A use tax shall be charged and paid on the amount charged for
31 each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is
32 domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an
33 affidavit to that effect in such form as the director of revenue shall require and shall remit the tax
34 due at such times as the director of revenue shall require.

35 6. In the event that any leasing company which rents or leases motor vehicles, trailers,
36 boats, or outboard motors elects to collect a use tax, all of its lease receipt would be subject to
37 the use tax, regardless of whether or not the leasing company previously paid a sales tax when
38 the vehicle, trailer, boat, or outboard motor was originally purchased.

39 7. The provisions of this section, and the tax imposed by this section, shall not apply to
40 manufactured homes.

144.518. **1.** In addition to the exemptions granted pursuant to section 144.030, there is
2 hereby specifically exempted from the provisions of sections [66.600 to 66.635, RSMo, sections
3 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections
4 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo,
5 sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo,
6 sections 67.1000 to 67.1012, RSMo, section 82.850, RSMo, sections 92.325 to 92.340, RSMo,
7 sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo,
8 sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo,
9 sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo,

10 sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections] 144.010 to 144.525, [and]
11 sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, [sections] **section 238.235**
12 **[and] , RSMo, section 238.236, RSMo, section 238.410, RSMo, section 321.242, RSMo,**
13 **section 573.505, RSMo, [and] section 644.032, RSMo, and any local sales tax law as defined**
14 **in section 32.085, RSMo, and** from the computation of the tax levied, assessed or payable
15 pursuant to sections [66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections
16 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections
17 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo,
18 section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo,
19 section 82.850, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo,
20 sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo,
21 section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo,
22 section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo,
23 section 94.890, RSMo, sections] 144.010 to 144.525, sections 144.600 to 144.761, sections
24 190.335 to 190.337, RSMo, [sections] **section 238.235 [and] , RSMo, section 238.236, RSMo,**
25 **section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, [and] section 644.032,**
26 **RSMo, [machines or parts for machines used in a commercial, coin-operated amusement and**
27 **vending business] and any local sales tax law as defined in section 32.085, RSMo, coin-**
28 **operated amusement devices and parts for such devices purchased prior to September 1,**
29 **2007, where sales tax is paid on the gross receipts derived from the use of [commercial,**
30 **coin-operated amusement and vending machines] such devices.**

31 **2. Beginning September 1, 2007, in addition to any other exemption provided by**
32 **law, there is hereby specifically exempted from the provisions of sections 144.010 to**
33 **144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235,**
34 **RSMo, section 238.236, RSMo, section 238.410, RSMo, section 321.242, RSMo, section**
35 **573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section**
36 **32.085, RSMo, and from the computation of the tax levied, assessed, or payable pursuant**
37 **to sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337,**
38 **RSMo, section 238.235, RSMo, section 238.236, RSMo, section 238.410, RSMo, section**
39 **321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law**
40 **as defined in section 32.085, RSMo, amounts paid for the temporary use of a coin-operated**
41 **amusement device.**

42 **3. As used in this section, "coin-operated amusement device" means a device**
43 **accepting payment or items representing payments to allow one or more users temporary**
44 **use of the device for entertainment or amusement purposes. Examples of coin-operated**
45 **amusement devices include, but are not limited to, video games, pinball games, table games**

46 such as billiards and air hockey, and redemption games such as the claw and skee ball that
47 may award prizes of tangible personal property.

48 **4. In addition to any other exemptions provided by law, there is hereby specifically**
49 **exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.761,**
50 **sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.236, RSMo, section**
51 **238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo,**
52 **and any local sales tax law as defined in section 32.085, RSMo, and from the computation**
53 **of the tax levied, assessed, or payable pursuant to sections 144.010 to 144.525, sections**
54 **144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section**
55 **238.236, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo,**
56 **section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo,**
57 **vending machines or parts for vending machines used in a commercial vending business**
58 **where sales tax is paid on the gross receipts derived from such vending machines.**

165.071. 1. At least once in every month the county collector in all counties of the first
2 and second classifications and the collector-treasurer in counties having township organization
3 shall pay over to the treasurer of the school board of all seven-director districts all moneys
4 received and collected by the **county collector and the** collector-treasurer to which the board
5 is entitled and take duplicate receipts from the treasurer, one of which the **county collector and**
6 **the** collector-treasurer shall file with the secretary of the school board and the other the **county**
7 **collector and the** collector-treasurer shall file in his or her settlement with the county
8 commission.

9 2. The county collector in counties of the third and fourth classification, except in
10 counties under township organization, shall pay over to the county treasurer at least once in every
11 month all moneys received and collected by the county collector which are due each school
12 district and shall take duplicate receipts therefor, one of which the county collector shall file in
13 his or her settlement with the county commission. The county treasurer in such counties shall
14 pay over to the treasurer of the school board of seven-director districts, at least once in every
15 month, all moneys so received by the county treasurer to which the board is entitled. Upon
16 payment the county treasurer shall take duplicate receipts from the treasurer of the school board,
17 one of which the county treasurer shall file with the secretary of the school board, and the other
18 [he] **the county treasurer** shall file in his or her settlement with the county commission.

320.093. 1. Any person, firm or corporation who purchases a dry fire hydrant, as defined
2 in section 320.273, or provides an acceptable means of water storage for such dry fire hydrant
3 including a pond, tank or other storage facility with the primary purpose of fire protection within
4 the state of Missouri, shall be eligible for a credit on income taxes otherwise due pursuant to
5 chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as an incentive to implement

6 safe and efficient fire protection controls. The tax credit, not to exceed five thousand dollars,
7 shall be equal to fifty percent of the cost in actual expenditure for any new water storage
8 construction, equipment, development and installation of the dry hydrant, including pipes,
9 valves, hydrants and labor for each such installation of a dry hydrant or new water storage
10 facility. The amount of the tax credit claimed for in-kind contributions shall not exceed
11 twenty-five percent of the total amount of the contribution for which the tax credit is claimed.

12 2. Any amount of credit which exceeds the tax due shall not be refunded but may be
13 carried over to any subsequent taxable year, not to exceed seven years. The person, firm or
14 corporation may elect to assign to a third party the approved tax credit. The certificate of
15 assignment and other appropriate forms [must] **shall** be filed with the Missouri department of
16 revenue and the department of economic development.

17 3. The person, firm or corporation shall make application for the credit to the department
18 of economic development after receiving approval of the state fire marshal. The fire marshal
19 shall establish by rule promulgated pursuant to chapter 536, RSMo, the requirements to be met
20 based on the National Resources Conservation Service's [Missouri] Dry Hydrant Standard. The
21 state fire marshal or designated local representative shall **review and** authorize [and issue a
22 permit for] the construction and installation of any dry fire hydrant site. Only approved dry fire
23 hydrant sites [will] **shall** be eligible for tax credits as indicated in this section. Under no
24 circumstance shall such authority deny any entity the ability to provide a dry fire hydrant site
25 when tax credits are not requested.

26 4. The department of [economic development] **public safety** shall certify to the
27 department of revenue that the dry hydrant system meets the requirements to obtain a tax credit
28 as specified in subsection 5 of this section.

29 5. In order to qualify for a tax credit under this section, a dry hydrant or new water
30 storage facility [must] **shall** meet the following minimum requirements:

31 (1) Each body of water or water storage structure [must] **shall** be able to provide two
32 hundred fifty gallons per minute for a continuous two-hour period during a fifty-year drought or
33 freeze at a vertical lift of eighteen feet;

34 (2) Each dry hydrant [must] **shall** be located within twenty-five feet of an all-weather
35 roadway and [must] **shall** be accessible to fire protection equipment;

36 (3) Dry hydrants shall be located a reasonable distance from other dry or pressurized
37 hydrants; and

38 (4) The site shall provide a measurable economic improvement potential for rural
39 development.

40 6. New credits shall not be awarded under this section after August 28, [2003] **2011**.
41 The total amount of all tax credits allowed pursuant to this section is five hundred thousand

42 dollars in any one fiscal year as approved by the director of the department of economic
43 development.

44 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
45 is created under the authority delegated in this section shall become effective only if it complies
46 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
47 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
48 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
50 grant of rulemaking authority and any rule proposed or adopted after August 28, [1999] **2007**,
51 shall be invalid and void.

**Section 1. Notwithstanding any law or rule to the contrary, sales tax shall only
2 apply to the sale price paid by the final purchaser and not to any off-invoice discounts or
3 other pricing discounts or mechanisms negotiated between manufacturers, wholesalers,
4 and retailers.**

2 [144.517. In addition to the exemptions granted pursuant to section
3 144.030, there shall also be exempted from state sales and use taxes all sales of
4 textbooks, as defined by section 170.051, RSMo, when such textbook is
5 purchased by a student who possesses proof of current enrollment at any Missouri
6 public or private university, college or other postsecondary institution of higher
7 learning offering a course of study leading to a degree in the liberal arts,
8 humanities or sciences or in a professional, vocational or technical field, provided
9 that the books which are exempt from state sales tax are those required or
10 recommended for a class. Upon request the institution or department must
11 provide at least one list of textbooks to the bookstore each semester. Alternately,
12 the student may provide to the bookstore a list from the instructor, department or
13 institution of his or her required or recommended textbooks. This exemption
shall not apply to any locally imposed sales or use tax.]

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