

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 112, Page 1, Section A, Line 3,
2 by inserting after all of said section the following:

3 "32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and Use Tax
4 Agreement Act".

5 2. The director of the department of revenue shall enter into the streamlined sales and use tax
6 agreement with one or more states to simplify and modernize sales and use tax administration in
7 order to substantially reduce the burden of tax compliance for all sellers and for all types of
8 commerce. In furtherance of the streamlined sales and use tax agreement, the director of the
9 department of revenue may act jointly with other states that are members of the streamlined sales and
10 use tax agreement to establish standards for certification of a certified service provider and certified
11 automated system and establish performance standards for multistate sellers.

12 3. In the first year after any federal legislation requiring vendors to collect sales and use tax
13 uniformly on sales in all states has been adopted and in which the amount of state sales and use tax
14 revenue collected under such federal legislation exceeds the amount of such revenues collected in the
15 immediately preceding year by at least two hundred million dollars, the highest rate of the tax
16 imposed on the Missouri taxable income of residents under chapter 143 shall be decreased from six
17 percent to five and one half percent. The director of the department of revenue shall notify the
18 revisor of statutes when such federal legislation is adopted and becomes effective in all states.

19 4. The director of the department of revenue may take other action reasonably required to
20 implement the provisions set forth in the streamlined sales and use tax administration act, including,
21 but not limited to, the promulgation of rules and the joint procurement, with other member states, of
22 goods and services in furtherance of the streamlined sales and use tax agreement.

23 5. For the purposes of representing the state as a member of the agreement and, if necessary,
24 amending the agreement, the state shall be represented by three delegates, one of whom shall be
25 appointed by the governor, one shall be a member of the general assembly appointed by mutual
26 agreement of the president pro tem of the senate and the speaker of the house of representatives, with
27 the director of the department of revenue or the director's designee as the third delegate. The
28 delegates shall recommend to the committees responsible for reviewing tax issues in the senate and
29 the house of representatives each year any amendment of state statutes required to be substantially in
30 compliance with the agreement. Such delegates shall make a written report by the fifteenth day of
31 January each year regarding the status of the agreement.

32 6. The department of revenue shall promulgate rules necessary to implement the provisions
33 of the streamlined sales and use tax agreement.

34 32.086. Notwithstanding any other provision of law, for all local sales and use taxes
35 collected by the department and remitted to a political jurisdiction or taxing district, the department
36 shall remit one percent of the amount collected to the general revenue fund to offset the cost of
37 collection, unless a greater amount is specified in the local sales and use tax law. The department

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1 shall not commingle the remaining amounts collected with general revenues and shall remit the
 2 remaining amounts collected to the political jurisdiction or taxing district less any credits for
 3 erroneous payments, overpayments, and dishonored checks.

4 32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption
 5 of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the
 6 governing body or official of such taxing entity shall forward to the director of revenue by United
 7 States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or
 8 order shall reflect the effective date thereof.

9 2. Any local sales tax so adopted shall become effective on the first day of the second
 10 calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except
 11 as provided in subsection [18] 17 of this section.

12 3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one
 13 or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the
 14 tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the
 15 combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer
 16 until paid, and shall be recoverable at law in the same manner as the purchase price. The combined
 17 rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the
 18 combined rate times the amount of the sale.

19 4. [The brackets required to be established by the director of revenue under the provisions of
 20 section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local
 21 sales taxes imposed under the provisions of the local sales tax law.

22 5.] The ordinance or order imposing a local sales tax under the local sales tax law shall
 23 impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal
 24 property or rendering taxable services at retail to the extent and in the manner provided in sections
 25 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto;
 26 except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state
 27 highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

28 [6.] 5. On and after the effective date of any local sales tax imposed under the provisions of
 29 the local sales tax law, the director of revenue shall perform all functions incident to the
 30 administration, collection, enforcement, and operation of the tax, and the director of revenue shall
 31 collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized
 32 under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax
 33 law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected
 34 together and reported upon such forms and under such administrative rules and regulations as may be
 35 prescribed by the director of revenue.

36 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the state
 37 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of
 38 any local sales tax imposed under the local sales tax law except as modified by the local sales tax
 39 law.

40 [8.] 7. All exemptions granted to agencies of government, organizations, persons and to the
 41 sale of certain articles and items of tangible personal property and taxable services under the
 42 provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be
 43 amended, it being the intent of this general assembly to ensure that the same sales tax exemptions
 44 granted from the state sales tax law also be granted under the local sales tax law, are hereby made
 45 applicable to the imposition and collection of all local sales taxes imposed under the local sales tax
 46 law.

47 [9.] 8. The same sales tax permit, exemption certificate and retail certificate required by
 48 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy

the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] 11. For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] shall be sourced as provided by sections 144.040 to 144.043.

[13.] 12. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] 13. The director of revenue and any of [his] the director's deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] the director and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] 14. The director of revenue shall annually report on [his] the director's management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] The director shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] the director for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A

1 copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one
2 or more local sales taxes.

3 [16.] 15. Within the boundaries of any taxing entity where one or more local sales taxes have
4 been imposed, if any person is delinquent in the payment of the amount required to be paid by [him]
5 such person under the local sales tax law or in the event a determination has been made against [him]
6 such person for taxes and penalty under the local sales tax law, the limitation for bringing suit for the
7 collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to
8 144.525. Where the director of revenue has determined that suit must be filed against any person for
9 the collection of delinquent taxes due the state under the state sales tax law, and where such person is
10 also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify
11 the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due
12 so that appropriate action may be taken by the taxing entity.

13 [17.] 16. Where property is seized by the director of revenue under the provisions of any law
14 authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by
15 the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by
16 the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of
17 property to pay the delinquent taxes and penalties due the state and to the taxing entity under the
18 local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and
19 the remainder, if any, shall be applied to all sums due such taxing entity.

20 [18.] 17. If a local sales tax has been in effect for at least one year under the provisions of the
21 local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an
22 election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so
23 reimposed shall become effective the first day of the first calendar quarter after the director receives
24 a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the
25 boundaries thereof and the results of such election, provided that such ordinance, order or resolution
26 and all necessary accompanying materials are received by the director at least thirty days prior to the
27 expiration of such tax. Any administrative cost or expense incurred by the state as a result of the
28 provisions of this subsection shall be paid by the city or county reimposing such tax.

29 18. If the boundaries of a city in which a sales tax or use tax has been imposed shall
30 thereafter be changed or altered, the city clerk shall forward to the director of revenue by United
31 States registered mail or certified mail a certified copy of the ordinance adding or detaching territory
32 from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective
33 date of the ordinance and shall be accompanied by a map of the city clearly showing the territory
34 added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed
35 under the local sales tax law or local use tax law shall be effective in the added territory or abolished
36 in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice
37 to sellers.

38 19. Any change to any local sales tax or local use tax boundary or rate shall be effective on
39 the first day of a calendar quarter after one hundred twenty days' notice to sellers.

40 66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600
41 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in
42 the state's general revenue fund after payment of premiums for surety bonds as provided in section
43 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the
44 "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund shall not be deemed
45 to be state funds and shall not be commingled with any funds of the state.] The director of revenue
46 shall keep accurate records of the amount of money in the trust fund which was collected in each
47 county imposing a county sales tax, and the records shall be open to the inspection of officers of the
48 county and the public. Not later than the tenth day of each month, the director of revenue shall

1 distribute all moneys deposited in the trust fund during the preceding month to the county which
2 levied the tax; such funds shall be deposited with the county treasurer of the county and all
3 expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to
4 be enacted by the legislative council of the county, and to the cities, towns and villages located
5 wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600
6 to 66.630.

7 2. In any county not adopting an additional sales tax and alternate distribution system as
8 provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be
9 divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and
10 villages which are located wholly or partly within the county which levied the tax and which had a
11 city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the
12 adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall
13 consist of all cities, towns and villages which are located wholly or partly within the county which
14 levied the tax and which had a city sales tax approved by the voters of such city under the provisions
15 of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the
16 purposes of determining the location of consummation of sales for distribution of funds to cities,
17 towns and villages in group A, the boundaries of any such city, town or village shall be the boundary
18 of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities,
19 towns and villages which are located wholly or partly within the county which levied the tax and
20 which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the
21 day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated
22 areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall
23 consist of all cities, towns and villages which are located wholly or partly within the county which
24 levied the tax and which did not have a city sales tax approved by the voters of such city under the
25 provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax
26 and shall also include all unincorporated areas of the county which levied the tax.

27 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and
28 villages in group A the taxes based on the location in which the sales were deemed consummated
29 under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by
30 section 66.630, after deducting the distribution to the cities, towns and villages in group A, the
31 director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities,
32 towns and villages and the county in group B as follows: To the county which levied the tax, a
33 percentage of the distributable revenue equal to the percentage ratio that the population of the
34 unincorporated areas of the county bears to the total population of group B; and to each city, town or
35 village in group B located wholly within the taxing county, a percentage of the distributable revenue
36 equal to the percentage ratio that the population of such city, town or village bears to the total
37 population of group B; and to each city, town or village located partly within the taxing county, a
38 percentage of the distributable revenue equal to the percentage ratio that the population of that part
39 of the city, town or village located within the taxing county bears to the total population of group B.

40 4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns
41 and villages in group A a portion of the taxes based on the location in which the sales were deemed
42 consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the
43 formula described in this subsection. After deducting the distribution to the cities, towns and
44 villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to
45 the cities, towns and villages and the county in group B as follows: To the county which levied the
46 tax, ten percent multiplied by the percentage of the population of unincorporated county which has
47 been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues
48 countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio

1 that the population of unincorporated areas of the county bears to the total population of group B;
 2 and to each city, town or village in group B located wholly within the taxing county, a percentage of
 3 the remaining distributable revenue equal to the percentage ratio that the population of such city,
 4 town or village bears to the total population of group B; and to each city, town or village located
 5 partly within the taxing county, a percentage of the remaining distributable revenue equal to the
 6 percentage ratio that the population of that part of the city, town or village located within the taxing
 7 county bears to the total population of group B.

8 5. (1) For purposes of administering the distribution formula of subsection 4 of this section,
 9 the revenues arising each year from sales occurring within each group A city, town or village shall be
 10 distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined,
 11 there shall be distributed to the city, town or village all of such revenues reduced by the percentage
 12 which is equal to ten percent multiplied by the percentage of the population of unincorporated
 13 county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the
 14 adjusted county average, total revenues shall be shared in accordance with the redistribution formula
 15 as defined in this subsection.

16 (2) For purposes of this subsection, the "adjusted county average" is the per capita
 17 countywide average of all sales tax distributions during the prior calendar year reduced by the
 18 percentage which is equal to ten percent multiplied by the percentage of the population of
 19 unincorporated county which has been annexed or incorporated after April 1, 1993; the
 20 "redistribution formula" is as follows: During 1994, each group A city, town and village shall
 21 receive that portion of the revenues arising from sales occurring within the municipality that remains
 22 after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales
 23 within the municipality multiplied by the percentage which is the sum of ten percent multiplied by
 24 the percentage of the population of unincorporated county which has been annexed or incorporated
 25 after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by
 26 the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita
 27 sales taxes arising from sales within the municipality less the adjusted county average. During 1995,
 28 each group A city, town and village shall receive that portion of the revenues arising from sales
 29 occurring within the municipality that remains after deducting therefrom an amount equal to the
 30 cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage
 31 which is the sum of ten percent multiplied by the percentage of the population of unincorporated
 32 county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater
 33 than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product
 34 of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the
 35 municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each
 36 group A city, town and village shall receive that portion of the revenues arising from sales occurring
 37 within the municipality that remains after deducting therefrom an amount equal to the cumulative
 38 sales tax revenues arising from sales within the municipality multiplied by the percentage which is
 39 the sum of ten percent multiplied by the percentage of the population of unincorporated county
 40 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero,
 41 equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035
 42 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality
 43 less the adjusted county average. From and after January 1, 2000, the distribution formula covering
 44 the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the
 45 percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for
 46 municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5
 47 percent for municipalities within which sales tax revenues exceed the adjusted county average by at
 48 least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall

certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

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

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section

32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County AntiDrug Sales Tax Trust Fund". [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue

1 shall notify each county of each instance of any amount refunded or any check redeemed from
2 receipts due the county.

3 3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] to
4 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

5 67.571. 1. The governing body of any county of the first classification with a population of
6 more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition
7 to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a
8 sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of
9 museums and festivals" shall mean:

10 (1) Funding of museums operating in the county, which are registered with the United States
11 Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be
12 tourism attractions; and

13 (2) Funding of organizations that are registered as 501(C)(3) corporations which promote
14 cultural heritage tourism including festivals and the arts.

15 2. Any question submitted to the voters of such county to establish a sales tax pursuant to
16 this section shall be submitted in substantially the following form:

17 Shall the county of (insert the name of the county) impose a sales tax of
18 (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain
19 areas of the county?

20 ☐ YES

☐ NO

21 3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
22 favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals
23 board appointed pursuant to subsection 5 of this section shall determine in what manner the tax
24 revenue moneys will be expended, and disbursements of these moneys shall be made strictly in
25 accordance with directions of the board which are consistent with the provisions of sections 67.571
26 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected
27 by the board to assist in carrying out the duties of the board, and the board is expressly authorized to
28 employ such personnel. Expenditures of these tax moneys may be made directly to corporations
29 pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on
30 behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue
31 Service as a 501(C)(3) organization.

32 4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed
33 two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable
34 services within the county pursuant to sections 67.571 to 67.577.

35 5. The governing body of any county which imposes a sales tax pursuant to this section may
36 establish a museums and festivals board for the purpose of expending funds collected from any sales
37 tax submitted and approved by the county's voters pursuant to this section. The board shall be
38 comprised of six members who are appointed by the governing body of the county from a list of
39 candidates supplied by the chair of each of the two major political parties of the county. The board
40 shall be comprised of three members from each of the two political parties. Members shall serve for
41 three-year terms, but of the members first appointed, one shall be appointed for a term of one year,
42 two shall be appointed for a term of two years, and two shall be appointed for a term of three years.
43 Each member shall be a resident of the county from which he or she is appointed. The members of
44 the board shall not receive compensation for service on the board, but shall be reimbursed from the
45 tax revenue money for any reasonable and necessary expenses incurred in service on the board.

46 6. In the area of each county in which a sales tax has been imposed in the manner provided
47 by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the
48 provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser

1 to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

2 7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to
3 permit sellers required to collect and report the sales tax to collect the amount required to be reported
4 and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a
5 levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use
6 of a bracket system similar to that authorized by the provisions of section 144.285, and
7 notwithstanding the provisions of that section, this new bracket system shall be used where this tax is
8 imposed and shall apply to all taxable transactions.

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

11 67.576. 1. The following provisions shall govern the collection of the tax imposed by the
12 provisions of sections 67.571 to 67.577:

13 (1) All applicable provisions contained in sections 144.010 to 144.510 governing the state
14 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of
15 the tax imposed by the provisions of sections 67.571 to 67.577;

16 (2) All exemptions granted to agencies of government, organizations, and persons under the
17 provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and
18 collection of the tax imposed by sections 67.571 to 67.577.

19 2. The same sales tax permit, exemption certificate and retail certificate required by sections
20 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the
21 requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail
22 certificate shall be required; except that, the director of revenue may prescribe a form of exemption
23 certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

24 3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for
25 the collection of and for payment of taxes pursuant to that act are hereby allowed and made
26 applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

27 4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation
28 of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

29 5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to
30 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer]
31 Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall
32 apply to the tax imposed under sections 67.571 to 67.577.

33 67.578. 1. The governing authority of any county of the third classification without a
34 township form of government and with more than sixteen thousand four hundred but less than
35 sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed
36 one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant
37 to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this
38 section, the term "museums" means museums operating in the county, which are registered with the
39 United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the
40 board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all
41 other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section
42 unless the governing authority submits to the voters of the county, at a county or state general,
43 primary, or special election, a proposal to authorize the governing authority to impose the tax.

44 2. The ballot of submission shall contain, but need not be limited to, the following language:
45 Shall the county of (insert the name of the county) impose a sales tax of (insert
46 rate of percent) percent for the funding of museums? "Museums" means museums operating in the
47 county, which are registered with the United States Internal Revenue Service as a 501(c)(3)
48 corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] to 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] two shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the

revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO". [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] to 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of

the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of

each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] as provided by section 32.087. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] as provided by section 32.087. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this

1 section shall be deposited in a special trust fund and shall be used solely for providing law
 2 enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in
 3 the special trust fund may also be utilized for capital improvement projects for law enforcement
 4 facilities and for the payment of any interest and principal on bonds issued for said capital
 5 improvement projects.

6 4. Once the tax authorized by this section is abolished or is terminated by any means, all
 7 funds remaining in the special trust fund shall be used solely for providing law enforcement services
 8 for the county. Any funds in such special trust fund which are not needed for current expenditures
 9 may be invested by the governing body in accordance with applicable laws relating to the investment
 10 of other county funds.

11 5. All sales taxes collected by the director of revenue under this section on behalf of any
 12 county[, less one percent for cost of collection which shall be deposited in the state's general revenue
 13 fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited
 14 in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales
 15 Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be
 16 deemed to be state funds and shall not be commingled with any funds of the state.] The director of
 17 revenue shall keep accurate records of the amount of money in the trust and which was collected in
 18 each county imposing a sales tax under this section, and the records shall be open to the inspection of
 19 officers of the county and the public. Not later than the tenth day of each month the director of
 20 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the
 21 county which levied the tax; such funds shall be deposited with the county treasurer of each such
 22 county, and all expenditures of funds arising from the county law enforcement sales tax trust fund
 23 shall be by an appropriation act to be enacted by the governing body of each such county.
 24 Expenditures may be made from the fund for any law enforcement functions authorized in the
 25 ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

26 6. The director of revenue may authorize the state treasurer to make refunds from the
 27 amounts in the trust fund and credited to any county for erroneous payments and overpayments
 28 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any
 29 county abolishes the tax, the repeal of such tax shall become effective as provided in section 32.087.
 30 The county shall notify the director of revenue of the action at least ninety days prior to the effective
 31 date of the repeal and the director of revenue may order retention in the trust fund, for a period of
 32 one year, of two percent of the amount collected after receipt of such notice to cover possible refunds
 33 or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such
 34 accounts. After one year has elapsed after the effective date of abolition of the tax in such county,
 35 the director of revenue shall remit the balance in the account to the county and close the account of
 36 that county. The director of revenue shall notify each county of each instance of any amount
 37 refunded or any check redeemed from receipts due the county.

38 7. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall
 39 apply to the tax imposed under this section

40 67.583. 1. The governing body of any county of the second class with a population of more
 41 than forty thousand but less than sixty thousand and which contains institutions operated by the
 42 department of corrections and by the department of mental health is hereby authorized to impose, by
 43 ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in
 44 such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The
 45 tax authorized by this section shall be in addition to any and all other sales taxes allowed by law;
 46 provided, however, that no ordinance or order imposing a sales tax under the provisions of this
 47 section shall be effective unless the governing body of the county submits to the voters of the county,
 48 at a county or state general, primary or special election, a proposal to authorize the governing body

1 of the county to impose a tax.

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

3 Shall the county of (county's name) impose a countywide sales tax of
 4 (insert amount) for the purpose of providing retirement and health care benefits for county
 5 employees and their dependents?

6 ☐ YES

☐ NO

7
 8 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the
 9 question, place an "X" in the box opposite "No".

10
 11 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 12 the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a
 13 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
 14 governing body of the county shall have no power to impose the sales tax herein authorized unless
 15 and until the governing body of the county shall again have submitted another proposal to authorize
 16 the governing body of the county to impose the sales tax authorized by this section and such proposal
 17 is approved by a majority of the qualified voters voting thereon. However, in no event shall a
 18 proposal pursuant to this section be submitted to the voters sooner than twelve months from the date
 19 of the last proposal pursuant to this section.

20 3. All revenue received by a county from the tax authorized under the provisions of this
 21 section shall be deposited in a special trust fund and shall be used solely for providing retirement and
 22 health care benefits for county employees and their dependents.

23 4. All sales taxes collected by the director of revenue under this section on behalf of any
 24 county[, less one percent for cost of collection which shall be deposited in the state's general revenue
 25 fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited
 26 in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales
 27 Tax Trust Fund". [The moneys in the county employee benefit sales tax trust fund shall not be
 28 deemed to be state funds and shall not be commingled with any funds of the state.] The director of
 29 revenue shall keep accurate records of the amount of money in the trust and which was collected in
 30 each county imposing a sales tax under this section, and the records shall be open to the inspection of
 31 officers of the county and the public. Not later than the tenth day of each month, the director of
 32 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the
 33 county which levied the tax. Such funds shall be deposited with the county treasurer of each such
 34 county, and all expenditures of funds arising from the county employee benefit sales tax trust fund
 35 shall be for the provision of retirement benefits or health care benefits for employees of the county
 36 and their dependents and for no other purpose.

37 5. The director of revenue may authorize the state treasurer to make refunds from the
 38 amounts in the trust fund and credited to any county for erroneous payments and overpayments made
 39 and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county
 40 abolishes the tax, the county shall notify the director of revenue of the action at least ninety days
 41 prior to the effective date of the repeal and the director of revenue may order retention in the trust
 42 fund, for a period of one year, of two percent of the amount collected after receipt of such notice to
 43 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
 44 deposited to the credit of such accounts. After one year has elapsed after the effective date of
 45 abolition of the tax in such county, the director of revenue shall remit the balance in the account to
 46 the county and close the account of that county. The director of revenue shall notify each county of
 47 each instance of any amount refunded or any check redeemed from receipts due the county.

48 6. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall

1 apply to the tax imposed under this section

2 67.584. 1. The governing body of any county of the first classification with more than one
3 hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred
4 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to
5 one-half percent on all retail sales made in such county which are subject to taxation pursuant to
6 sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county.
7 The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law,
8 except that no ordinance or order imposing a sales tax pursuant to this section shall be effective
9 unless the governing body of the county submits to the voters of the county, at a county or state
10 general, primary, or special election, a proposal to authorize the governing body of the county to
11 impose a tax.

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

14 Shall the county of (county's name) impose a countywide sales tax of
15 (insert amount) for the purpose of providing law enforcement services for the county?

16 ☐ YES

☐ NO

17
18 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
19 the question, place an "X" in the box opposite "NO".

20
21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
22 the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments
23 thereto shall be in effect [on the first day of the second quarter immediately following the election
24 approving the proposal] as provided by section 32.087. If a proposal receives less than the required
25 majority, then the governing body of the county shall have no power to impose the sales tax herein
26 authorized unless and until the governing body of the county shall again have submitted another
27 proposal to authorize the governing body of the county to impose the sales tax authorized by this
28 section and such proposal is approved by the required majority of the qualified voters voting thereon.
29 However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than
30 twelve months from the date of the last proposal pursuant to this section.

31 3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized
32 pursuant to this section shall be deposited in a special trust fund and shall be used solely by a
33 prosecuting attorney's office for such county for so long as the tax shall remain in effect. The
34 remainder of revenue shall be deposited in the county law enforcement sales tax trust fund
35 established pursuant to section 67.582 of the county levying the tax pursuant to this section. The
36 revenue derived from the tax imposed pursuant to this section shall be used for public law
37 enforcement services only. No revenue derived from the tax imposed pursuant to this section shall
38 be used for any private contractor providing law enforcement services or for any private jail.

39 4. Once the tax authorized by this section is abolished or is terminated by any means, all
40 funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting
41 attorney's office for the county. Any funds in such special trust fund which are not needed for
42 current expenditures may be invested by the governing body in accordance with applicable laws
43 relating to the investment of other county funds.

44 5. All sales taxes collected by the director of revenue pursuant to this section on behalf of
45 any county[, less one percent for cost of collection which shall be deposited in the state's general
46 revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be
47 deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting
48 Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund,

1 pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not
 2 be deemed to be state funds and shall not be commingled with any funds of the state.] The director
 3 of revenue shall keep accurate records of the amount of money in the trusts and which was collected
 4 in each county imposing a sales tax pursuant to this section, and the records shall be open to the
 5 inspection of officers of the county and the public. Not later than the tenth day of each month the
 6 director of revenue shall distribute all moneys deposited in the trust funds during the preceding
 7 month to the county which levied the tax; such funds shall be deposited with the county treasurer of
 8 each such county, and all expenditures of funds arising from either trust fund shall be by an
 9 appropriation act to be enacted by the governing body of each such county. Expenditures may be
 10 made from the funds for any functions authorized in the ordinance or order adopted by the governing
 11 body submitting the tax to the voters.

12 6. The director of revenue may authorize the state treasurer to make refunds from the
 13 amounts in the trust funds and credited to any county for erroneous payments and overpayments
 14 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any
 15 county abolishes the tax, the repeal of such tax shall become effective as provided in section 32.087.
 16 The county shall notify the director of revenue of the action at least ninety days before the effective
 17 date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a
 18 period of one year, of two percent of the amount collected after receipt of such notice to cover
 19 possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to
 20 the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
 21 in such county, the director of revenue shall remit the balance in the account to the county and close
 22 the account of that county established pursuant to this section. The director of revenue shall notify
 23 each county of each instance of any amount refunded or any check redeemed from receipts due the
 24 county.

25 7. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall
 26 apply to the tax imposed pursuant to this section.

27 67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to
 28 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited
 29 in the state's general revenue fund after payment of premiums for surety bonds as provided in section
 30 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to
 31 be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the county alternate sales
 32 tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
 33 the state.] The director of revenue shall keep accurate records of the amount of money in the trust
 34 fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and
 35 the records shall be open to the inspection of officers of each county and the general public. Not
 36 later than the tenth day of each month the director of revenue shall distribute all moneys deposited in
 37 the trust fund during the preceding month by distributing to the county treasurer, or such other
 38 officer as may be designated by the county ordinance or order, of each county imposing the tax
 39 authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the
 40 county.

41 2. The director of revenue may authorize the state treasurer to make refunds from the
 42 amounts in the trust fund and credited to any county for erroneous payments and overpayments
 43 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any
 44 county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of
 45 revenue of the action at least ninety days prior to the effective date of the repeal and the repeal shall
 46 be effective as provided in section 32.087. The director of revenue may order retention in the trust
 47 fund, for a period of one year, of two percent of the amount collected after receipt of such notice to
 48 cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts

1 deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal
 2 of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall
 3 authorize the state treasurer to remit the balance in the account to the county and close the account of
 4 that county. The director of revenue shall notify each county of each instance of any amount
 5 refunded or any check redeemed from receipts due the county.

6 3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] to
 7 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

8 67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any
 9 other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes
 10 collected by the director of revenue from the tax authorized by section 67.701 on behalf of any
 11 county of the first class having a charter form of government and having a population of nine
 12 hundred thousand or more[, less one percent for cost of collection, which shall be deposited in the
 13 state's general revenue fund after payment of premiums for surety bonds as provided in sections
 14 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to be known as
 15 the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the
 16 county-municipal storm water and public works sales tax trust fund shall not be deemed to be state
 17 funds and shall not be commingled with any funds of the state.] The director of revenue shall keep
 18 accurate records of the amount of money in the trust fund which was collected in each county and the
 19 records shall be open to the inspection of officers of the county and of the municipalities within the
 20 county and the public. Not later than the tenth day of each month, the director of the department of
 21 revenue shall distribute all moneys deposited in the county-municipal storm water and public works
 22 sales tax trust fund during the preceding month to the county which levied the tax, and the
 23 municipalities which are located wholly or partially within such county as follows:

24 (1) The county which levied the sales tax shall receive a percentage of the distributable
 25 revenue equal to the percentage ratio that the population of the unincorporated areas of the county
 26 bears to the total population of the county;

27 (2) Each municipality located wholly within the county which levied the tax shall receive a
 28 percentage of the distributable revenue equal to the percentage ratio that the population of such
 29 municipality bears to the total population of the county; and

30 (3) Each municipality located partially within the county which levied the tax shall receive a
 31 percentage of the distributable revenue equal to the percentage ratio that the population of that part
 32 of the municipality located within the county bears to the total population of the county.

33 2. The director of revenue may make refunds from the amounts in the county-municipal
 34 storm water and public works sales tax trust fund and credited to any county or municipality for
 35 erroneous payments and overpayments made, and may redeem dishonored checks and drafts
 36 deposited to the credit of such county or municipality. If any county abolishes the tax, the county
 37 shall notify the director of revenue of the action at least ninety days prior to the effective date of the
 38 repeal and the repeal shall be effective as provided by section 32.087. The director of revenue may
 39 order retention in the county-municipal storm water and public works sales tax trust fund, for a
 40 period of one year, of two percent of the amount collected after receipt of such notice to cover
 41 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to
 42 the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
 43 in such county, the director of revenue shall remit the balance in the account to the county or
 44 municipality and close the account of that county or municipality. The director of revenue shall
 45 notify each county or municipality of each instance of any amount refunded or any check redeemed
 46 from receipts due the county or municipality.

47 3. If the governing body of any municipality located wholly or partially within the county so
 48 requests by resolution, no funds shall be expended from the proceeds of any tax imposed under

section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of

revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

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

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters voting on the issue in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year

1 terms.

2 4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail
3 sale of all tangible personal property or taxable service within the county, if such property and
4 services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5 5. All revenue collected from the sales tax under this section by the director of revenue on
6 behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's
7 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,]
8 shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be
9 known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be
10 state funds and shall not be commingled with any funds of the state.] The director of revenue shall
11 keep accurate records of the amount of money in the trust fund collected in each county imposing a
12 sales tax under this section, and the records shall be open to the inspection of officers of such county
13 and the general public. Not later than the tenth day of each calendar month, the director of revenue
14 shall distribute all moneys deposited in the trust fund during the preceding calendar month by
15 distributing to the county treasurer, or such officer as may be designated by county ordinance or
16 order, of each county imposing the tax under this section the sum due the county as certified by the
17 director of revenue.

18 6. The director of revenue may authorize the state treasurer to make refunds from the
19 amounts in the trust fund and credited to any county for erroneous payments and overpayments
20 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each
21 county shall notify the director of revenue at least ninety days prior to the effective date of the
22 expiration of the sales tax authorized by this section and the repeal shall be effective as provided by
23 section 32.087. The director of revenue may order retention in the trust fund for a period of one year
24 of two percent of the amount collected after receipt of such notice to cover possible refunds or
25 overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such
26 accounts. After one year has elapsed after the date of expiration of the tax authorized by this section
27 in a county, the director of revenue shall remit the balance in the account to the county and close the
28 account of such county. The director of revenue shall notify each county of each instance of any
29 amount refunded or any check redeemed from receipts due such county.

30 7. The tax authorized under this section may be imposed in accordance with this section by a
31 county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

32 8. The sales tax imposed under this section shall expire twenty years from the effective date
33 thereof unless an extension of the tax is submitted to and approved by the qualified voters in the
34 county in the manner provided in this section. Each extension of the sales tax shall be for a period of
35 ten years.

36 9. The provisions of this section shall not in any way affect or limit the powers granted to
37 any county to establish, maintain, and conduct parks and other recreational grounds for public
38 recreation.

39 10. Except as modified in this section, the provisions of sections 32.085 [and] to 32.087 shall
40 apply to the tax imposed under this section.

41 67.782. 1. Any county of the third class having a population of more than ten thousand and
42 less than fifteen thousand and any county of the second class having a population of more than
43 fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties
44 making up the same judicial circuit, may jointly impose a sales tax throughout each of their
45 respective counties for public recreational purposes including the financing, acquisition,
46 construction, operation and maintenance of recreational projects and programs, but the sales taxes
47 authorized by this section shall not become effective unless the governing body of each such county
48 submits to the voters of their respective counties a proposal to authorize the counties to impose the

1 sales tax.

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

3 Shall the County of impose a sales tax of percent in conjunction with
4 the county of for the purpose of funding the financing, acquisition, construction, operation
5 and maintenance of recreational projects and programs, including the acquisition of land for such
6 purposes?

7 ☐ YES

☐ NO

8
9 If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each
10 county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of
11 the votes cast by the qualified voters voting thereon in either county are opposed to the proposal,
12 then the governing body of neither county shall have power to impose the sales tax authorized by this
13 section unless or until the governing body of the county that has not approved the tax shall again
14 have submitted another proposal to authorize the governing body to impose the tax, and the proposal
15 is approved by a majority of the qualified voters voting thereon in that county.

16 3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail
17 of all tangible personal property or taxable service at retail within the county adopting such tax, if
18 such property and services are subject to taxation by the state of Missouri under the provisions of
19 sections 144.010 to 144.525.

20 4. All sales taxes collected by the director of revenue under this section on behalf of any
21 county[, less one percent for the cost of collection, which shall be deposited in the state's general
22 revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be
23 deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the
24 "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund
25 shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The
26 director of revenue shall keep accurate records of the amount of money in the trust fund which was
27 collected in each county imposing a sales tax under this section, and the records shall be open to the
28 inspection of officers of each county and the general public. Not later than the tenth day of each
29 month, the director of revenue shall distribute all moneys deposited in the trust fund during the
30 preceding month by distributing to the county treasurer, or such other officer as may be designated
31 by the county ordinance or order, of each county imposing the tax authorized by this section, the
32 sum, as certified by the director of revenue, due the county.

33 5. The director of revenue may authorize the state treasurer to make refunds from the
34 amounts in the trust fund and credited to any county for erroneous payments and overpayments
35 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each
36 county shall notify the director of revenue at least ninety days prior to the effective date of the
37 expiration of the sales tax authorized by this section and the repeal shall be effective as provided by
38 section 32.087. The director of revenue may order retention in the trust fund, for a period of one
39 year, of two percent of the amount collected after receipt of such notice to cover possible refunds or
40 overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such
41 accounts. After one year has elapsed after the date of expiration of the tax authorized by this section
42 in such county, the director of revenue shall remit the balance in the account to the county and close
43 the account of that county. The director of revenue shall notify each county of each instance of any
44 amount refunded or any check redeemed from receipts due the county.

45 6. The tax authorized by this section may be imposed, in accordance with this section, by a
46 county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

47 7. Any county imposing a sales tax pursuant to the provisions of this section may contract
48 with the authority of any other county or with any city or political subdivision for the financing,

1 acquisition, operation, construction, maintenance, or utilization of any recreation facility or project
 2 or program funded in whole or in part from revenues derived from the tax levied pursuant to the
 3 provisions of this section.

4 8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five
 5 years from the effective date thereof unless an extension of the tax is submitted to and approved by
 6 the voters in each county in the manner provided in this section. Each extension of the sales tax shall
 7 be for a period of ten years.

8 9. The governing body of each of the counties imposing a sales tax under the provisions of
 9 this section may cooperate with the governing body of any county or other political subdivision of
 10 this state in carrying out the provisions of this section, and may establish and conduct jointly a
 11 system of public recreation. The respective governing bodies administering programs jointly may
 12 provide by agreement among themselves for all matters connected with the programs and determine
 13 what items of cost and expense shall be paid by each.

14 10. The provisions of this section shall not in any way repeal, affect or limit the powers
 15 granted to any county to establish, maintain and conduct parks and other recreational grounds for
 16 public recreation.

17 11. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall
 18 apply to the tax imposed under this section.

19 67.799. 1. A regional recreational district may, by a majority vote of its board of directors,
 20 impose an annual property tax for the establishment and maintenance of public parks and
 21 recreational facilities and grounds within the boundaries of the regional recreational district not to
 22 exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within
 23 the district, except that no such tax shall become effective unless the board of directors of the district
 24 submits to the voters of the district, at a county or state general, primary or special election, a
 25 proposal to authorize the tax.

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

27 Shall a cent tax per one hundred dollars assessed valuation be levied for public parks
 28 and recreational facilities?

29 ☐ YES

☐ NO

30
 31 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 32 the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified
 33 voters voting are opposed to the proposal, then the board of directors shall have no power to impose
 34 the tax unless and until the board of directors of the district submits another proposal to authorize the
 35 tax and such proposal is approved by a majority of the qualified voters voting thereon.

36 3. The property tax authorized in subsections 1 and 2 of this section shall be levied and
 37 collected in the same manner as other ad valorem property taxes are levied and collected.

38 4. (1) A regional recreational district may, by a majority vote of its board of directors,
 39 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to
 40 sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of
 41 public parks, recreational facilities and grounds within the boundaries of a regional recreational
 42 district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by
 43 law. No tax pursuant to this subsection shall become effective unless the board of directors submits
 44 to the voters of the district, at a county or state general, primary or special election, a proposal to
 45 authorize the tax, and such tax shall become effective only after the majority of the voters voting on
 46 such tax approve such tax.

47 (2) In the event the district seeks to impose a sales tax pursuant to this subsection, the
 48 question shall be submitted in substantially the following form:

1 Shall a cent sales tax be levied on all retail sales within the district for public parks and
2 recreational facilities?

3 ☐ YES

4 ☐ NO

5 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
6 the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified
7 voters voting are opposed to the proposal, then the board of directors shall have no power to impose
8 the tax unless and until another proposal to authorize the tax is submitted to the voters of the district
9 and such proposal is approved by a majority of the qualified voters voting thereon. The provisions
10 of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

11 5. As used in this section, "qualified voters" or "voters" means any individuals residing
12 within the proposed district who are eligible to be registered voters and who have registered to vote
13 under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed
14 district, all of the owners of real property located within the proposed district who have unanimously
15 petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax
16 authorized in this section. If the owner of the property within the proposed district is a political
17 subdivision or corporation of the state, the governing body of such political subdivision or
18 corporation shall be considered the owner for purposes of this section.

19 67.997. 1. The governing body of any county of the third classification without a township
20 form of government and with more than eighteen thousand one hundred but fewer than eighteen
21 thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales
22 made within the county which are subject to sales tax under chapter 144. The tax authorized in this
23 section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of
24 funding senior services and youth programs provided by the county. One-half of all revenue
25 collected under this section[, less one-half the cost of collection,] shall be used solely to fund any
26 service or activity deemed necessary by the senior service tax commission established in this section,
27 and one-half of all revenue collected under this section[, less one-half the cost of collection,] shall be
28 used solely to fund all youth programs administered by an existing county community task force.
29 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
30 shall be stated separately from all other charges and taxes. The order or ordinance shall not become
31 effective unless the governing body of the county submits to the voters residing within the county at
32 a state general, primary, or special election a proposal to authorize the governing body of the county
33 to impose a tax under this section.

34 2. The ballot of submission for the tax authorized in this section shall be in substantially the
35 following form:

36 Shall (insert the name of the county) impose a sales tax at a rate
37 of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the
38 cost of collection, to be used solely to fund senior services provided by the county and half of the
39 revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs
40 provided by the county?

41 ☐ YES

42 ☐ NO

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

45
46 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
47 the question, then the tax shall become effective on the first day of the second calendar quarter
48 immediately following the approval of the tax or notification to the department of revenue if such tax

1 will be administered by the department of revenue. If a majority of the votes cast on the question by
 2 the qualified voters voting thereon are opposed to the question, then the tax shall not become
 3 effective unless and until the question is resubmitted under this section to the qualified voters and
 4 such question is approved by a majority of the qualified voters voting on the question.

5 3. [On or after the effective date of any tax authorized under this section, the county which
 6 imposed the tax shall enter into an agreement with the director of the department of revenue for the
 7 purpose of collecting the tax authorized in this section. On or after the effective date of the tax the
 8 director of revenue shall be responsible for the administration, collection, enforcement, and
 9 operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under
 10 this section by the director of the department of revenue on behalf of any county[, except for one
 11 percent for the cost of collection which shall be deposited in the state's general revenue fund,] shall
 12 be deposited in a special trust fund, which is hereby created and shall be known as the "Senior
 13 Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated
 14 purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled
 15 with any funds of the state.] The director may make refunds from the amounts in the trust fund and
 16 credited to the county for erroneous payments and overpayments made, and may redeem dishonored
 17 checks and drafts deposited to the credit of such county. Any funds in the special trust fund which
 18 are not needed for current expenditures shall be invested in the same manner as other funds are
 19 invested. Any interest and moneys earned on such investments shall be credited to the fund.

20 4. [In order to permit sellers required to collect and report the sales tax to collect the amount
 21 required to be reported and remitted, but not to change the requirements of reporting or remitting the
 22 tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of
 23 the county may authorize the use of a bracket system similar to that authorized in section 144.285
 24 and notwithstanding the provisions of that section, this new bracket system shall be used where this
 25 tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the
 26 tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of
 27 the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the
 28 purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at
 29 the place of business of the retailer.

30 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and
 31 section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all
 32 exemptions granted to agencies of government, organizations, and persons under sections 144.010 to
 33 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax
 34 permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the
 35 administration and collection of the state sales tax shall satisfy the requirements of this section, and
 36 no additional permit or exemption certificate or retail certificate shall be required; except that, the
 37 director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All
 38 discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes
 39 are hereby allowed and made applicable to the tax. The penalties for violations provided in section
 40 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If
 41 any person is delinquent in the payment of the amount required to be paid under this section, or in
 42 the event a determination has been made against the person for taxes and penalty under this section,
 43 the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same
 44 as that provided in sections 144.010 to 144.525].

45 6. The governing body of any county that has adopted the sales tax authorized in this section
 46 may submit the question of repeal of the tax to the voters on any date available for elections for the
 47 county. The ballot of submission shall be in substantially the following form:

48 Shall (insert the name of the county) repeal the sales tax imposed at a

rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES

☐ NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] as provided by section 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] as provided by section 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

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

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.

67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but

less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

- (1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;
- (2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;
- (3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;
- (4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and
- (5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be

enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

(1) Operations of economic development or community development offices, including the salaries of employees;

(2) Provision of training for job creation or retention;

(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and

(4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

1 Shall (insert the name of the city or county) impose a sales tax at a rate of
 2 (insert rate of percent) percent for economic development purposes?

3 ☐ YES ☐ NO

4
 5 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 6 the question, then the tax shall become effective [on the first day of the second calendar quarter
 7 following the calendar quarter in which the election was held] as provided by section 32.087. If a
 8 majority of the votes cast on the question by the qualified voters voting thereon are opposed to the
 9 question, then the tax shall not become effective unless and until the question is resubmitted under
 10 this section to the qualified voters and such question is approved by a majority of the qualified voters
 11 voting on the question, provided that no proposal shall be resubmitted to the voters sooner than
 12 twelve months from the date of the submission of the last proposal.

13 3. No revenue generated by the tax authorized in this section shall be used for any retail
 14 development project. At least twenty percent of the revenue generated by the tax authorized in this
 15 section shall be used solely for projects directly related to long-term economic development
 16 preparation, including, but not limited to, the following:

- 17 (1) Acquisition of land;
- 18 (2) Installation of infrastructure for industrial or business parks;
- 19 (3) Improvement of water and wastewater treatment capacity;
- 20 (4) Extension of streets;
- 21 (5) Providing matching dollars for state or federal grants;
- 22 (6) Marketing;
- 23 (7) Construction and operation of job training and educational facilities; and
- 24 (8) Providing grants and low-interest loans to companies for job training, equipment
 25 acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue
 26 generated may be used annually for administrative purposes, including staff and facility costs.

27 4. All revenue generated by the tax shall be deposited in a special trust fund and shall be
 28 used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust
 29 fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund
 30 which are not needed for current expenditures may be invested by the governing body in accordance
 31 with applicable laws relating to the investment of other city or county funds.

32 5. The director of revenue may authorize the state treasurer to make refunds from the
 33 amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund
 34 and credited to any city or county for erroneous payments and overpayments made, and may redeem
 35 dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes
 36 the tax authorized under this section, the repeal of such tax shall become effective December
 37 thirty-first of the calendar year in which such abolishment was approved. Each city or county shall
 38 notify the director of revenue at least ninety days prior to the effective date of the expiration of the
 39 sales tax authorized by this section and the repeal shall be effective as provided by section 32.087.
 40 The director of revenue may order retention in the trust fund, for a period of one year, of two percent
 41 of the amount collected after receipt of such notice to cover possible refunds or overpayment of such
 42 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one
 43 year has elapsed after the date of expiration of the tax authorized by this section in such city or
 44 county, the director of revenue shall remit the balance in the account to the city or county and close
 45 the account of that city or county. The director of revenue shall notify each city or county of each
 46 instance of any amount refunded or any check redeemed from receipts due the city or county.

47 6. Any city or county imposing the tax authorized in this section shall establish an economic
 48 development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

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

[9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] as provided by section 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

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

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of

the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. [The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;

- 1 (d) Extension of streets;
 2 (e) Public facilities directly related to economic development and job creation; and
 3 (f) Providing matching dollars for state or federal grants relating to such long-term projects.
 4 (3) The remaining revenue generated by the tax authorized in this section may be used for,
 5 but shall not be limited to, the following:
 6 (a) Marketing;
 7 (b) Providing grants and loans to companies for job training, equipment acquisition, site
 8 development, and infrastructures;
 9 (c) Training programs to prepare workers for advanced technologies and high skill jobs;
 10 (d) Legal and accounting expenses directly associated with the economic development
 11 planning and preparation process;
 12 (e) Developing value-added and export opportunities for Missouri agricultural products.
 13 11. All revenue generated by the tax shall be deposited in a special trust fund and shall be
 14 used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust
 15 fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund
 16 which are not needed for current expenditures may be invested by the governing body in accordance
 17 with applicable laws relating to the investment of other city or county funds.
 18 12. (1) Any city or county imposing the tax authorized in this section shall establish an
 19 economic development tax board. The volunteer board shall receive no compensation or operating
 20 budget.
 21 (2) The economic development tax board established by a city shall consist of at least five
 22 members, but may be increased to nine members. Either a five-member or nine-member board shall
 23 be designated in the order or ordinance imposing the sales tax authorized by this section, and the
 24 members are to be appointed as follows:
 25 (a) One member of a five-member board, or two members of a nine-member board, shall be
 26 appointed by the school districts included within any economic development plan or area funded by
 27 the sales tax authorized in this section. Such member or members shall be appointed in any manner
 28 agreed upon by the affected districts;
 29 (b) Three members of a five-member board, or five members of a nine-member board, shall
 30 be appointed by the chief elected officer of the city with the consent of the majority of the governing
 31 body of the city;
 32 (c) One member of a five-member board, or two members of a nine-member board, shall be
 33 appointed by the governing body of the county in which the city is located.
 34 (3) The economic development tax board established by a county shall consist of seven
 35 members, to be appointed as follows:
 36 (a) One member shall be appointed by the school districts included within any economic
 37 development plan or area funded by the sales tax authorized in this section. Such member shall be
 38 appointed in any manner agreed upon by the affected districts;
 39 (b) Four members shall be appointed by the governing body of the county; and
 40 (c) Two members from the cities, towns, or villages within the county appointed in any
 41 manner agreed upon by the chief elected officers of the cities or villages.
 42

43 Of the members initially appointed, three shall be designated to serve for terms of two years, except
 44 that when a nine-member board is designated, seven of the members initially appointed shall be
 45 designated to serve for terms of two years, and the remaining members shall be designated to serve
 46 for a term of four years from the date of such initial appointments. Thereafter, the members
 47 appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired
 48 terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;

(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

(a) Infrastructure improvements;

(b) Land and/or buildings;

(c) Machinery and equipment;

(d) Job training investments;

- (e) Direct business incentives;
- (f) Marketing;
- (g) Administration and legal expenses; and
- (h) Other expenditures.

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

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES ☐ NO

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

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

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

Shall the (insert name of district) Community Improvement District impose a

community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES

☐ NO

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

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

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

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

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285. 7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

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

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

[10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail

1 sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the
2 creation, operation and maintenance of a metropolitan park and recreation district.

3 2. In addition to the tax authorized in subsection 1 of this section, the governing body of any
4 county located within the metropolitan district as of January 1, 2012, is authorized to impose by
5 ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to
6 taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance
7 of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented
8 unless approved by the voters of the county with the largest population within the district and at least
9 one other such county under subsection 2 of section 67.1715.

10 3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales
11 taxes allowed by law. The governing body of any county within the metropolitan district enacting
12 such an ordinance shall submit to the voters of such county a proposal to approve its ordinance
13 imposing or increasing the tax. Such ordinance shall become effective only after the majority of the
14 voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to
15 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections
16 67.1715 to 67.1721.

17 67.1775. 1. The governing body of a city not within a county, or any county of this state
18 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the
19 county or city, or city not within a county, for the purpose of providing services described in section
20 210.861, including counseling, family support, and temporary residential services to persons
21 nineteen years of age or less. The question shall be submitted to the qualified voters of the county or
22 city, or city not within a county, at a county or city or state general, primary or special election upon
23 the motion of the governing body of the county or city, or city not within a county or upon the
24 petition of eight percent of the qualified voters of the county or city, or city not within a county,
25 determined on the basis of the number of votes cast for governor in such county at the last
26 gubernatorial election held prior to the filing of the petition. The election officials of the county or
27 city, or city not within a county, shall give legal notice as provided in chapter 115. The question
28 shall be submitted in substantially the following form:

29 Shall County or City, solely for the purpose of establishing a community children's
30 services fund for the purpose of providing services to protect the well-being and safety of children
31 and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of
32 (not to exceed one-quarter of a cent) in the city or county?

33 ☐ YES

34 ☐ NO

35 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
36 the question, then the ordinance or order and any amendments thereto shall be in effect on the first
37 day of the second calendar quarter after the director receives notification of the local sales tax. If a
38 question receives less than the required majority, then the governing authority of the city or county,
39 or city not within a county, shall have no power to impose the sales tax unless and until the
40 governing authority of the city or county, or city not within a county, has submitted another question
41 to authorize the imposition of the sales tax authorized by this section and such question is approved
42 by the required majority of the qualified voters voting thereon. However, in no event shall a
43 question under this section be submitted to the voters sooner than twelve months from the date of the
44 last question under this section.

45 2. After the effective date of any tax imposed under the provisions of this section, the
46 director of revenue shall perform all functions incident to the administration, collection,
47 enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales
48 tax for the state of Missouri the additional tax authorized under the authority of this section. The tax

1 imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall
 2 be collected together and reported upon such forms and under such administrative rules and
 3 regulations as may be prescribed by the director of revenue.

4 3. All sales taxes collected by the director of revenue under this section on behalf of any city
 5 or county, or city not within a county[, less one percent for the cost of collection, which shall be
 6 deposited in the state's general revenue fund after payment of premiums for surety bonds as provided
 7 in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby
 8 created, to be known as the "Community Children's Services Fund". [The moneys in the city or
 9 county, or city not within a county, community children's services fund shall not be deemed to be
 10 state funds and shall not be commingled with any funds of the state.] The director of revenue shall
 11 keep accurate records of the amount of money in the fund which was collected in each city or county,
 12 or city not within a county, imposing a sales tax under this section, and the records shall be open to
 13 the inspection of officers of each city or county, or city not within a county, and the general public.
 14 Not later than the tenth day of each month, the director of revenue shall distribute all moneys
 15 deposited in the fund during the preceding month by distributing to the city or county treasurer, or
 16 the treasurer of a city not within a county, or such other officer as may be designated by a city or
 17 county ordinance or order, or ordinance or order of a city not within a county, of each city or county,
 18 or city not within a county, imposing the tax authorized by this section, the sum, as certified by the
 19 director of revenue, due the city or county.

20 4. The director of revenue may authorize the state treasurer to make refunds from the
 21 amounts in the fund and credited to any city or county, or city not within a county, for erroneous
 22 payments and overpayments made, and may redeem dishonored checks and drafts deposited to the
 23 credit of such counties. Each city or county, or city not within a county, shall notify the director of
 24 revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by
 25 this section and the repeal shall be effective as provided by section 32.087. The director of revenue
 26 may order retention in the fund, for a period of one year, of two percent of the amount collected after
 27 receipt of such notice to cover possible refunds or overpayment of such tax and to redeem
 28 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
 29 after the date of expiration of the tax authorized by this section in such city not within a county or
 30 such city or county, the director of revenue shall remit the balance in the account to the city or
 31 county, or city not within a county, and close the account of that city or county, or city not within a
 32 county. The director of revenue shall notify each city or county, or city not within a county, of each
 33 instance of any amount refunded or any check redeemed from receipts due the city or county.

34 5. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall
 35 apply to the tax imposed under this section.

36 6. All revenues generated by the tax prescribed in this section shall be deposited in the
 37 county treasury or, in a city not within a county, to the board established by law to administer such
 38 fund to the credit of a special community children's services fund to accomplish the purposes set out
 39 herein and in section 210.861, and shall be used for no other purpose. Such fund shall be
 40 administered by a board of directors, established under section 210.861.

41 67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax
 42 of not more than one percent on all retail sales, except sales of [food as defined in section 144.014,
 43 sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone
 44 and wireless services,] and sales of funeral services, made on or after January 1, 2014, within the
 45 district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525.
 46 Upon the written request of the board to the election authority of the county in which a majority of
 47 the area of the district is situated, such election authority shall submit a proposition to the residents
 48 of such district at a municipal or statewide primary or general election, or at a special election called

1 for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2 2. Such proposition shall be submitted to the voters of the district in substantially the
3 following form at such election:

4 Shall the Tourism Community Enhancement District impose a sales tax of (insert
5 amount) for the purpose of promoting tourism in the district?

6 ☐ YES

☐ NO

7
8 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
9 the question, place an "X" in the box opposite "NO".

10
11 If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting
12 thereon are in favor of the proposal, then the order shall become effective on the first day of the
13 second calendar quarter after the director of revenue receives notice of adoption of the tax. If the
14 proposal receives less than the required majority, then the board shall have no power to impose the
15 sales tax authorized pursuant to this section unless and until the board shall again have submitted
16 another proposal to authorize the board to impose the sales tax authorized by this section and such
17 proposal is approved by the required majority of the qualified voters of the district.

18 67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility
19 District Act".

20 2. An exhibition center and recreational facility district may be created under this section in
21 the following counties:

22 (1) Any county of the first classification with more than seventy-one thousand three hundred
23 but less than seventy-one thousand four hundred inhabitants;

24 (2) Any county of the first classification with more than one hundred ninety-eight thousand
25 but less than one hundred ninety-nine thousand two hundred inhabitants;

26 (3) Any county of the first classification with more than eighty-five thousand nine hundred
27 but less than eighty-six thousand inhabitants;

28 (4) Any county of the second classification with more than fifty-two thousand six hundred
29 but less than fifty-two thousand seven hundred inhabitants;

30 (5) Any county of the first classification with more than one hundred four thousand six
31 hundred but less than one hundred four thousand seven hundred inhabitants;

32 (6) Any county of the third classification without a township form of government and with
33 more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

34 (7) Any county of the first classification with more than thirty-seven thousand but less than
35 thirty-seven thousand one hundred inhabitants;

36 (8) Any county of the third classification without a township form of government and with
37 more than twenty-three thousand five hundred but less than twenty-three thousand six hundred
38 inhabitants;

39 (9) Any county of the third classification without a township form of government and with
40 more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

41 (10) Any county of the first classification with more than two hundred forty thousand three
42 hundred but less than two hundred forty thousand four hundred inhabitants;

43 (11) Any county of the third classification with a township form of government and with
44 more than eight thousand nine hundred but fewer than nine thousand inhabitants;

45 (12) Any county of the third classification without a township form of government and with
46 more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

47 (13) Any county of the third classification with a township form of government and with
48 more than eight thousand but fewer than eight thousand one hundred inhabitants;

1 (14) Any county of the third classification with a township form of government and with
2 more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3 3. Whenever not less than fifty owners of real property located within any county listed in
4 subsection 2 of this section desire to create an exhibition center and recreational facility district, the
5 property owners shall file a petition with the governing body of each county located within the
6 boundaries of the proposed district requesting the creation of the district. The district boundaries
7 may include all or part of the counties described in this section. The petition shall contain the
8 following information:

9 (1) The name and residence of each petitioner and the location of the real property owned by
10 the petitioner;

11 (2) A specific description of the proposed district boundaries, including a map illustrating
12 the boundaries; and

13 (3) The name of the proposed district.

14 4. Upon the filing of a petition pursuant to this section, the governing body of any county
15 described in this section may, by resolution, approve the creation of a district. Any resolution to
16 establish such a district shall be adopted by the governing body of each county located within the
17 proposed district, and shall contain the following information:

18 (1) A description of the boundaries of the proposed district;

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

21 (3) The proposed sales tax rate to be voted on within the proposed district; and

22 (4) The proposed uses for the revenue generated by the new sales tax.

23 5. Whenever a hearing is held as provided by this section, the governing body of each county
24 located within the proposed district shall:

25 (1) Publish notice of the hearing on two separate occasions in at least one newspaper of
26 general circulation in each county located within the proposed district, with the first publication to
27 occur not more than thirty days before the hearing, and the second publication to occur not more than
28 fifteen days or less than ten days before the hearing;

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

31 (3) Rule upon all protests, which determinations shall be final.

32 6. Following the hearing, if the governing body of each county located within the proposed
33 district decides to establish the proposed district, it shall adopt an order to that effect; if the
34 governing body of any county located within the proposed district decides to not establish the
35 proposed district, the boundaries of the proposed district shall not include that county. The order
36 shall contain the following:

37 (1) The description of the boundaries of the district;

38 (2) A statement that an exhibition center and recreational facility district has been
39 established;

40 (3) The name of the district;

41 (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and

42 (5) A declaration that the district is a political subdivision of the state.

43 7. A district established pursuant to this section may, at a general, primary, or special
44 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one
45 percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are
46 subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction,
47 maintenance, operation, improvement, and promotion of an exhibition center and recreational
48 facilities. The ballot of submission shall be in substantially the following form:

1 Shall the (name of district) impose a sales tax of one-fourth of
 2 one percent to fund the acquisition, construction, maintenance, operation, improvement, and
 3 promotion of an exhibition center and recreational facilities, for a period of (insert number
 4 of years)?

5 ☐ YES

☐ NO

6
 7 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 8 the question, place an "X" in the box opposite "NO".
 9

10 If a majority of the votes cast in the portion of any county that is part of the proposed district favor
 11 the proposal, then the sales tax shall become effective in that portion of the county [that is part of the
 12 proposed district on the first day of the first calendar quarter immediately following the election] as
 13 provided by section 32.087. If a majority of the votes cast in the portion of a county that is a part of
 14 the proposed district oppose the proposal, then that portion of such county shall not impose the sales
 15 tax authorized in this section until after the county governing body has submitted another such sales
 16 tax proposal and the proposal is approved by a majority of the qualified voters voting thereon.

17 However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit
 18 a proposal to the voters pursuant to this section sooner than twelve months from the date of the last
 19 proposal submitted pursuant to this section. If the qualified voters in two or more counties that have
 20 contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

21 8. There is hereby created a board of trustees to administer any district created and the
 22 expenditure of revenue generated pursuant to this section consisting of four individuals to represent
 23 each county approving the district, as provided in this subsection. The governing body of each
 24 county located within the district, upon approval of that county's sales tax proposal, shall appoint
 25 four members to the board of trustees; at least one shall be an owner of a nonlodging business
 26 located within the taxing district, or their designee, at least one shall be an owner of a lodging facility
 27 located within the district, or their designee, and all members shall reside in the district except that
 28 one nonlodging business owner, or their designee, and one lodging facility owner, or their designee,
 29 may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident
 30 of this state. Of the initial trustees appointed from each county, two shall hold office for two years,
 31 and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall
 32 be appointed to a four-year term by the governing body of the county the trustee represents, with the
 33 initially appointed trustee to remain in office until a successor is appointed, and shall take office
 34 upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same
 35 manner in which the trustee vacating the office was originally appointed. The trustees shall not
 36 receive compensation for their services, but may be reimbursed for their actual and necessary
 37 expenses. The board shall elect a chair and other officers necessary for its membership. Trustees
 38 may be removed if:

39 (1) By a two-thirds vote, the board moves for the member's removal and submits such
 40 motion to the governing body of the county from which the trustee was appointed; and

41 (2) The governing body of the county from which the trustee was appointed, by a majority
 42 vote, adopts the motion for removal. 9. The board of trustees shall have the following
 43 powers, authority, and privileges:

44 (1) To have and use a corporate seal;

45 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

46 (3) To enter into contracts, franchises, and agreements with any person or entity, public or
 47 private, affecting the affairs of the district, including contracts with any municipality, district, or
 48 state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for

1 the funding, including without limitation interest rate exchange or swap agreements, planning,
 2 development, construction, acquisition, maintenance, or operation of a single exhibition center and
 3 recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly
 4 designated for public use where the primary use of the facility involves participation in hobbies or
 5 athletic activities;

6 (4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or
 7 debentures, to issue bonds and use any one or more lawful funding methods the district may obtain
 8 for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other
 9 obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust
 10 of any or all of the property and income of the district. Every issue of such bonds, notes, or other
 11 obligations shall be payable out of property and revenues of the district and may be further secured
 12 by other property of the district, which may be pledged, assigned, mortgaged, or a security interest
 13 granted for such payment, without preference or priority of the first bonds issued, subject to any
 14 agreement with the holders of any other bonds pledging any specified property or revenues. Such
 15 bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall
 16 bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as
 17 the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination,
 18 bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current
 19 interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon
 20 bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as
 21 such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other
 22 obligations may be sold at either public or private sale, at such interest rates, and at such price or
 23 prices as the district shall determine;

24 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal
 25 property in furtherance of district purposes;

26 (6) To refund any bonds, notes, or other obligations of the district without an election. The
 27 terms and conditions of refunding obligations shall be substantially the same as those of the original
 28 issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the
 29 principal of such refunding obligations in the same manner as is provided for the payment of interest
 30 and principal of obligations refunded;

31 (7) To have the management, control, and supervision of all the business and affairs of the
 32 district, and the construction, installation, operation, and maintenance of district improvements
 33 therein; to collect rentals, fees, and other charges in connection with its services or for the use of any
 34 of its facilities;

35 (8) To hire and retain agents, employees, engineers, and attorneys;

36 (9) To receive and accept by bequest, gift, or donation any kind of property;

37 (10) To adopt and amend bylaws and any other rules and regulations not in conflict with the
 38 constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs
 39 of the board and of the district; and

40 (11) To have and exercise all rights and powers necessary or incidental to or implied from
 41 the specific powers granted by this section.

42 10. There is hereby created the "Exhibition Center and Recreational Facility District Sales
 43 Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The
 44 director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used
 45 solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered
 46 nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue
 47 shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest
 48 and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected

by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES ☐ NO

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

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] 14. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270

or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] 15. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter.

Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

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

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] as provided by section 32.087. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the

1 date of the last proposal pursuant to this section.

2 3. [On and after the effective date of any tax authorized in this section, the city may adopt
3 one of the two following provisions for the collection and administration of the tax:

4 (1) The city may adopt rules and regulations for the internal collection of such tax by the city
5 officers usually responsible for collection and administration of city taxes; or

6 (2) The city may enter into an agreement with the director of revenue of the state of Missouri
7 for the purpose of collecting the tax authorized in this section. In the event any city enters into an
8 agreement with the director of revenue of the state of Missouri for the collection of the tax
9 authorized in this section, the director of revenue shall perform all functions incident to the
10 administration, collection, enforcement, and operation of such tax, and the director of revenue shall
11 collect the additional tax authorized in this section. The tax authorized in this section shall be
12 collected and reported upon such forms and under such administrative rules and regulations as may
13 be prescribed by the director of revenue, and the director of revenue shall retain an amount not to
14 exceed one percent for cost of collection.

15 4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one
16 percent and interest not to exceed two percent per month on unpaid taxes which shall be considered
17 delinquent thirty days after the last day of each quarter] After the effective date of any tax imposed
18 under the provisions of this section, the director of revenue shall perform all functions incident to the
19 administration, collection, enforcement, and operation of the tax and collect, in addition to the sales
20 tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax
21 imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall
22 be collected together and reported upon such forms and under such administrative rules and
23 regulations as may be prescribed by the director of revenue.

24 [5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this
25 section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten
26 percent of the qualified voters in the city, submit the question of repeal of the sales tax to the
27 qualified voters at any primary or general election. The ballot of submission shall be in substantially
28 the following form:

29 Shall (insert name of city) repeal the sales tax of (insert rate of percent)
30 percent for tourism purposes now in effect in (insert name of city)?

31 ☐ YES ☐ NO

32
33 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
34 the question, place an "X" in the box opposite "NO".

35
36 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
37 effective on December thirty-first of the calendar year in which such repeal was approved. If the city
38 or county abolishes the tax, the city or county shall notify the director of revenue of the action at
39 least one hundred twenty days prior to the effective date of the repeal.

40 (2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund
41 or account established to receive revenues generated by the tax shall be used solely for the original
42 stated purpose of the tax. Any funds which are not needed for current expenditures may be invested
43 by the governing authority in accordance with applicable laws relating to the investment of other city
44 funds.

45 (3) The governing authority of a city repealing a tax pursuant to this section shall notify the
46 director of revenue of the action at least forty-five days before the effective date of the repeal and the
47 director of revenue may order retention in any trust fund created in the state treasury associated with
48 the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to

cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall

determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] as provided by section 32.087.

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of

1 section 108.170."; and

2
3 Further amend said bill, Page 3, Section 67.2050, Line 73, by inserting after all of said section the
4 following:

5 "67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any
6 time by the district by issuing refunding bonds in such amount as the district may deem necessary.
7 Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes,
8 bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may
9 include amounts necessary to finance any premium, unpaid interest, and costs of issuance in
10 connection with the refunding bonds. Any such refunding may be effected whether the bonds to be
11 refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and
12 the application of the proceeds thereof to the payment of the obligations being refunded or the
13 exchange of the refunding bonds for the obligations being refunded with the consent of the holders
14 of the obligations being refunded.

15 2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of
16 the district payable solely out of the district funds and property and shall not constitute a debt or
17 liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds,
18 or other indebtedness of the district shall state on their face that they are not obligations of the state
19 of Missouri or any agency or political subdivision thereof other than the district.

20 3. Any district may by resolution impose a district sales tax of up to one-half of one percent
21 on all retail sales made in such district that are subject to taxation pursuant to the provisions of
22 sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from
23 the governing body of the municipality in which the district is located, or from the circuit court if the
24 district was formed by the circuit court, the board of directors shall have the power to impose a sales
25 tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing
26 sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those
27 subdistricts that approve the sales tax on the first day of the first calendar quarter immediately
28 following the passage of a resolution by the board of directors imposing the sales tax.

29 4. In each district in which a sales tax has been imposed in the manner provided by this
30 section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's
31 sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the
32 purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the
33 purchase price.

34 5. In order to permit sellers required to collect and report the sales tax authorized by this
35 section to collect the amount required to be reported and remitted, but not to change the requirements
36 of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of
37 pennies, the district may establish appropriate brackets which shall be used in the district imposing a
38 tax pursuant to this section in lieu of those brackets provided in section 144.285.

39 6.] 4. All revenue received by a district from the sales tax authorized by this section shall be
40 deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds
41 in such special trust fund which are not needed for the district's current expenditures may be invested
42 by the district board of directors in accordance with applicable laws relating to the investment of
43 other district funds.

44 [7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts
45 from the sale at retail of all tangible personal property or taxable services at retail within the district
46 adopting such tax, if such property and services are subject to taxation by the state of Missouri
47 pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to
48 this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the

1 sales tax.

2 [8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers
3 a tax for the privilege of engaging in the business of selling tangible personal property or rendering
4 taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and
5 the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the
6 tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and
7 returned to and collected by the district.

8 9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the
9 district shall perform all functions incident to the administration, collection, enforcement, and
10 operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported
11 upon such forms and under such administrative rules and regulations as may be prescribed by the
12 district.

13 (2) 6. After the effective date of any tax imposed under the provisions of this section, the
14 director of revenue shall perform all functions incident to the administration, collection,
15 enforcement, and operation of the tax and collect, in addition to the sales tax for the state of
16 Missouri, the additional tax authorized under the authority of this section. The tax imposed under
17 this section and the tax imposed under the sales tax law of the state of Missouri shall be collected
18 together and reported upon such forms and under such administrative rules and regulations as may be
19 prescribed by the director of revenue.

20 7. All [such] sales taxes [collected by the district] shall be deposited by the district in a
21 special fund to be expended for the purposes authorized in this section. The district shall keep
22 accurate records of the amount of money which was collected pursuant to this section, and the
23 records shall be open to the inspection of officers of each district and the general public.

24 [(3) The district may contract with the municipality that the district is within for the
25 municipality to collect any revenue received by the district and, after deducting the cost of such
26 collection, but not to exceed one percent of the total amount collected, deposit such revenue in a
27 special trust account. Such revenue and interest may be applied by the municipality to expenses,
28 costs, or debt service of the district at the direction of the district as set forth in a contract between
29 the municipality and the district.

30 10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the
31 state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision,
32 shall apply to the collection of the tax imposed by this section, except as modified in this section.

33 (2) All exemptions granted to agencies of government, organizations, persons, and to the
34 sale of certain articles and items of tangible personal property and taxable services pursuant to the
35 provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and
36 collection of the tax imposed by this section.

37 (3) The same sales tax permit, exemption certificate, and retail certificate required by
38 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy
39 the requirements of this section, and no additional permit or exemption certificate or retail certificate
40 shall be required; except that the district may prescribe a form of exemption certificate for an
41 exemption from the tax imposed by this section.

42 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for
43 the collection of and for payment of taxes pursuant to such laws are hereby allowed and made
44 applicable to any taxes collected pursuant to the provisions of this section.

45 (5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of
46 those sections are hereby made applicable to violations of this section.

47 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail
48 sales shall be deemed to be consummated at the place of business of the retailer unless the tangible

personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] 8. Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to (insert amount) in the (name of district)?

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] as provided by section 32.087.

[11.] 9. (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

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

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.

[12.] 10. (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

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

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court.

Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of(insert rate of percent) percent for [a] capital improvements purposes in the city's center city for a period of (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] sections 32.085 to 32.087. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

1 5. The governing body of any city that has adopted the sales tax authorized in this section
2 may submit the question of repeal of the tax to the voters on any date available for elections for the
3 city. The ballot of submission shall be in substantially the following form:

4 Shall (insert the name of the city) repeal the sales tax imposed at a rate of
5 (insert rate of percent) percent for capital improvements purposes in the city's center city?
6 ☐ YES ☐ NO
7

8 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
9 effective on December thirty-first of the calendar year in which such repeal was approved. If a
10 majority of the votes cast on the question by the qualified voters voting thereon are opposed to the
11 repeal, then the sales tax authorized in this section shall remain effective until the question is
12 resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the
13 qualified voters voting on the question. If the city or county abolishes the tax, the city or county
14 shall notify the director of revenue of the action at least one hundred twenty days prior to the
15 effective date of the repeal.

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

26 7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the
27 sales tax imposed under this section.

28 94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing
29 body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

30 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the
31 receipts from the sale at retail of all tangible personal property or taxable services at retail within any
32 city adopting such tax, if such property and services are subject to taxation by the state of Missouri
33 under the provisions of sections 144.010 to 144.525.

34 3. With respect to any tax increment financing plan originally approved by ordinance of the
35 city council after March 31, 2009, in any home rule city with more than four hundred thousand
36 inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed
37 under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is
38 defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be
39 subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section
40 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655
41 for constructing and operating a light-rail transit system shall not be considered economic activity
42 taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such
43 tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or
44 subsection 4 of section 99.957.

45 [4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be
46 changed or altered, the city or county clerk shall forward to the director of revenue by United States
47 registered mail or certified mail a certified copy of the ordinance adding or detaching territory from
48 the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of

the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

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.

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

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

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] as provided by section 32.087. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

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

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

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

1 deposited with the treasurer of each such city or county and all expenditures of funds arising from
 2 the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the
 3 governing body of each such county or city not within a county.

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

7 8. The director of revenue may authorize the state treasurer to make refunds from the amount
 8 in the trust fund and credited to any city or county for erroneous payments and overpayments made,
 9 and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If
 10 any city or county abolishes the tax, the city or county shall notify the director of revenue of the
 11 action at least ninety days prior to the effective date of the repeal and the director of revenue may
 12 order retention in the trust fund, for a period of one year, of two percent of the amount collected after
 13 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored
 14 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
 15 effective date of abolition of the tax in such city or county, the director of revenue shall authorize the
 16 state treasurer to remit the balance in the account to the city or county and close the account of that
 17 city or county. The director of revenue shall notify each city or county of each instance of any
 18 amount refunded or any check redeemed from receipts due the city or county.

19 94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for
 20 transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation
 21 purposes which shall be retired by the revenues received from the sales tax authorized by this
 22 section. The tax authorized by this section shall be in addition to any and all other sales taxes
 23 allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall
 24 become effective unless the council or other governing body submits to the voters of the city, at a
 25 city or state general, primary, or special election, a proposal to authorize the council or other
 26 governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds
 27 authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except
 28 that no vote shall be required in any city that imposed and collected such tax under sections 94.600
 29 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to,
 30 the following language:

31 (1) If the proposal submitted involves only authorization to impose the tax authorized by this
 32 section, the following language:

33 Shall the city of (city's name) impose a sales tax of (insert amount) for
 34 transportation purposes?

35 ☐ YES ☐ NO

36
 37 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the
 38 question, place an "X" in the box opposite "No";

39 (2) If the proposal submitted involves authorization to issue bonds and repay such bonds
 40 with revenues from the tax authorized by this section, the following language:

41 Shall the city of (city's name) issue bonds in the amount of (insert amount)
 42 for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

43 ☐ YES ☐ NO

44
 45 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the
 46 question, place an "X" in the box opposite "No".

47
 48 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the

qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired."; and

Further amend said bill, Page 20, Section 135.680, Line 355, by inserting after all of said section the following:

"144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] this chapter shall have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Advertising and promotional direct mail", printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person,

business, or organization. As used in this subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;

(3) "Agreement", the streamlined sales and use tax agreement, as amended from time to time;

(4) "Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(5) "Alcoholic beverages", beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(6) "Ancillary services", services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(7) "Appliance", clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator and freezer;

(8) "Bottled water", water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

(a) Antimicrobial agents;

(b) Fluoride;

(c) Carbonation;

(d) Vitamins, minerals, and electrolytes;

(e) Oxygen;

(f) Preservatives; and

(g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) "Bundled transaction":

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term "distinct and identifiable products" shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term "one nonitemized price" shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in

1 this subdivision shall not constitute a bundled transaction if it is:

2 (i) A retail sale of tangible personal property and a service where the tangible personal
 3 property is essential to the use of the service, and is provided exclusively in connection with the
 4 service, and the true object of the transaction is the service; or

5 (ii) A retail sale of services where one service is provided that is essential to the use or
 6 receipt of a second service and the first service is provided exclusively in connection with the second
 7 service and the true object of the transaction is the second service; or

8 (iii) A transaction that includes taxable products and nontaxable products and the sales price
 9 of the taxable products is de minimis.

10 b. "De minimis" means the sales price of the taxable product is ten percent or less of the total
 11 sales price of the bundled products.

12 c. Sellers shall use the sales price of the products to determine if the taxable products are de
 13 minimis.

14 d. (i) Sellers shall use the full term of a service contract to determine if the taxable products
 15 are de minimis; or

16 (ii) A retail sale of exempt tangible personal property and taxable tangible personal property
 17 where:

18 i. The transaction includes food and food ingredients, drugs, durable medical equipment,
 19 mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

20 ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty
 21 percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use
 22 a combination of the purchase price and sales price of the tangible personal property when making
 23 the fifty percent determination for a transaction;

24 (10) "Business" includes any activity engaged in by any person, or caused to be engaged in
 25 by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification
 26 of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A
 27 person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such
 28 person "engages in business in this state" or "maintains a place of business in this state" under section
 29 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing,
 30 by a person not engaged in such business, does not constitute engaging in business within the
 31 meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales,
 32 exclusive of receipts from the sale of tangible personal property by persons which property is sold in
 33 the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise,
 34 exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be
 35 construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977,
 36 subject to that tax thereafter;

37 [(3)] (11) "Calendar quarter", the period of three consecutive calendar months ending on
 38 March thirty-first, June thirtieth, September thirtieth or December thirty-first;

39 (12) "Call-by-call basis", any method of charging for telecommunications services where the
 40 price is measured by individual calls;

41 (13) "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in
 42 combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops,
 43 or pieces. Candy shall not include any preparation containing flour and shall require no
 44 refrigeration;

45 (14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,
 46 northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive
 47 elk, and captive furbearers held under permit issued by the Missouri department of conservation for
 48 hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested

1 animal;

2 (15) "Certified automated system" or "CAS", software certified under the streamlined sales
 3 and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine
 4 the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

5 (16) "Certified service provider" or "CSP", an agent certified under the streamlined sales and
 6 use tax agreement to perform all the seller's sales and use tax functions, other than the seller's
 7 obligation to remit tax on its own purchases;

8 (17) "Clothing":

9 (a) All human wearing apparel suitable for general use;

10 (b) Clothing shall include:

11 a. Aprons, household and shop;

12 b. Athletic supporters;

13 c. Baby receiving blankets;

14 d. Bathing suits and caps;

15 e. Beach capes and coats;

16 f. Belts and suspenders;

17 g. Boots;

18 h. Coats and jackets;

19 i. Costumes;

20 j. Diapers, children and adult, including disposable diapers;

21 k. Ear muffs;

22 l. Footlets;

23 m. Formal wear;

24 n. Garters and garter belts;

25 o. Girdles;

26 p. Gloves and mittens for general use;

27 q. Hats and caps;

28 r. Hosiery;

29 s. Insoles for shoes;

30 t. Lab coats;

31 u. Neckties;

32 v. Overshoes;

33 w. Pantyhose;

34 x. Rainwear;

35 y. Rubber pants;

36 z. Sandals;

37 aa. Scarves;

38 bb. Shoes and shoelaces;

39 cc. Slippers;

40 dd. Sneakers;

41 ee. Socks and stockings;

42 ff. Steel toed-shoes;

43 gg. Underwear;

44 hh. Uniforms, athletic and nonathletic; and

45 ii. Wedding apparel;

46 (c) Clothing shall not include:

47 a. Belt buckles sold separately;

48 b. Costume masks sold separately;

- 1 c. Patches and emblems sold separately;
2 d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns,
3 pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and
4 e. Sewing materials that become part of clothing, including but not limited to buttons, fabric,
5 lace, thread, yarn, and zippers;
6 (18) "Clothing accessories and equipment", incidental items worn on the person or in
7 conjunction with clothing. Clothing accessories and equipment are mutually exclusive of clothing,
8 sport or recreational equipment, and protective equipment;
9 (19) "Coin-operated telephone service", a telecommunications service paid for by inserting
10 money into a telephone accepting direct deposits of money to operate;
11 (20) "Communications channel", a physical or virtual path of communications over which
12 signals are transmitted between or among customer channel termination points;
13 (21) "Computer", an electronic device that accepts information in digital or similar form and
14 manipulates it for a result based on a sequence of instructions;
15 (22) "Computer software", a set of coded instructions designed to cause a computer or
16 automatic data processing equipment to perform a task. Computer software shall not include
17 specified digital products, digital audio-visual works, digital audio works, or digital books;
18 (23) "Conference bridging service", an ancillary service that links two or more participants
19 of an audio or video conference call and may include the provision of a telephone number.
20 Conference bridging service does not include the telecommunications services used to reach the
21 conference bridge;
22 (24) "Customer", the person or entity that contracts with the seller of telecommunications
23 services. If the end user of telecommunications services is not the contracting party, the end user of
24 the telecommunications service is the customer of the telecommunication service, but this definition
25 only applies to the purpose of sourcing sales of telecommunications services under section 144.043.
26 Customer shall not include a reseller of telecommunications service or for mobile
27 telecommunications service of a serving carrier under an agreement to serve the customer outside the
28 home service provider's licensed service area;
29 (25) "Customer channel termination point", the location where the customer either inputs or
30 receives the communication;
31 (26) "Delivered electronically", delivered to the purchaser by means other than tangible
32 storage media;
33 (27) "Delivery charges", charges by the seller of personal property or services for
34 preparation and delivery to a location designated by the purchaser of personal property or services,
35 including but not limited to transportation, shipping, postage, handling, crating, and packing;
36 (28) "Detailed telecommunications billing service", an ancillary service of separately stating
37 information pertaining to individual calls on a customer's billing statement;
38 (29) "Dietary supplement", any product, other than tobacco, intended to supplement the diet
39 that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other
40 botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing
41 the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any
42 ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel,
43 gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a
44 conventional food and is not represented for use as a sole item of a meal or of the diet; and that is
45 required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on
46 the label and as required under 21 CFR Section 101.36;
47 (30) "Digital audio works", works that result from the fixation of a series of musical, spoken,
48 or other sounds, including ringtones;

(31) "Digital audio-visual works", a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(32) "Digital books", works that are generally recognized in the ordinary and usual sense as books;

(33) "Direct mail", printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;

(34) "Directory assistance", an ancillary service of providing telephone number information, or address information;

(35) "Drug":

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products;

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) "Durable medical equipment", equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) "End user", the person who utilizes the telecommunication service. In case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

(39) "Energy star qualified product", a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that is authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) "Engages in business activities within this state", includes:

(a) Purposefully or systematically exploiting the market provided by this state by any

media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) "Food sold through a vending machine", food dispensed from a machine or other mechanical device that accepts payment;

(43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter drugs;

[(4)] (44) "Gross receipts"[,] or "sales price":

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

a. The seller's cost of the property sold;

b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

d. Delivery charges; and

e. Credit for any trade-in;

(b) Shall not include:

a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and

1 c. Any taxes legally imposed directly on the consumer that are separately stated on the
 2 invoice, bill of sale or similar document given to the purchaser;

3 (c) Shall include consideration received by the seller from third parties if:

4 a. The seller actually receives consideration from a party other than the purchaser and the
 5 consideration is directly related to a price reduction or discount on the sale;

6 b. The seller has an obligation to pass the price reduction or discount through to the
 7 purchaser;

8 c. The amount of the consideration attributable to the sale is fixed and determinable by the
 9 seller at the time of the sale of the item to the purchaser; and

10 d. One of the following criteria is met:

11 (i) The purchaser presents a coupon, certificate or other documentation to the seller to claim
 12 a price reduction or discount where the coupon, certificate or documentation is authorized,
 13 distributed, or granted by a third party with the understanding that the third party will reimburse any
 14 seller to whom the coupon, certificate or documentation is presented;

15 (ii) The purchaser identifies himself or herself to the seller as a member of a group or
 16 organization entitled to a price reduction or discount (a preferred customer card that is available to
 17 any patron does not constitute membership in such a group); or

18 (iii) The price reduction or discount is identified as a third-party price reduction or discount
 19 on the invoice received by the purchaser or on a coupon, certificate or other documentation presented
 20 by the purchaser;

21 (45) "Home service provider", the same as such term is defined in Section 124(5) of Public
 22 Law 106-252, Mobile Telecommunications Sourcing Act;

23 (46) "Lease or rental":

24 (a) Any transfer of possession or control of tangible personal property for a fixed or
 25 indeterminate term for consideration. A lease or rental may include future options to purchase or
 26 extend;

27 (b) Lease or rental shall not include:

28 a. A transfer of possession or control of property under a security agreement or deferred
 29 payment plan that requires the transfer of title upon completion of the required payments;

30 b. A transfer of possession or control of property under an agreement that requires the
 31 transfer of title upon completion of required payments and where any payment of an option price
 32 does not exceed the greater of one hundred dollars or one percent of the total required payments;

33 c. Providing tangible personal property along with an operator for a fixed or indeterminate
 34 period of time provided that the operator is necessary for the equipment to perform as designed and
 35 the operator does more than maintain, inspect, or set up the tangible personal property;

36 (c) Lease or rental includes agreements covering motor vehicles and trailers where the
 37 amount of consideration may be increased or decreased by reference to the amount realized upon
 38 sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;

39 (47) "Light aircraft", a light airplane that seats no more than four persons, with a gross
 40 weight of three thousand pounds or less, which is primarily used for recreational flying or flight
 41 training;

42 (48) "Light aircraft kit", factory manufactured light aircraft parts and components, including
 43 engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft
 44 kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light
 45 aircraft purchaser for recreational and educational purposes;

46 (49) "Light aircraft parts and components", manufactured light aircraft parts, including air
 47 frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light
 48 aircraft kit, or spare or replacement parts for an already completed light aircraft;

1 [(5)] (50) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,
 2 ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk
 3 documented as obtained from a legal source and not from the wild, goats, horses, other equine, or
 4 rabbits raised in confinement for human consumption;

5 [(6)] (51) "Load and leave", delivery to the purchaser by use of a tangible storage media
 6 where the tangible storage media is not physically transferred to the purchaser;

7 (52) "Maintains a place of business in this state", includes maintaining, occupying, or using,
 8 permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever
 9 name called, an office, place of distribution, sales or sample room or place, warehouse or storage
 10 place, or other place of business;

11 (53) "Mobile telecommunications service", the same as such term is defined in Section
 12 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

13 (54) "Mobility enhancing equipment", equipment, including repair and replacement parts to
 14 same, which:

15 (a) Is primarily and customarily used to provide or increase the ability to move from one
 16 place to another and which is appropriate for use either in a home or a motor vehicle; and

17 (b) Is not generally used by persons with normal mobility; and

18 (c) Is within the classification of devices eligible for MO HealthNet and Medicare
 19 reimbursement.

20
 21 Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle
 22 or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

23 (55) "Model 1 seller", a seller registered under the agreement that has selected a certified
 24 service provider as its agent to perform all the seller's sales and use tax functions, other than the
 25 seller's obligation to remit tax on its own purchases;

26 (56) "Model 2 seller", a seller that has selected a certified automated system (CAS) to
 27 perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

28 (57) "Model 3 seller", a seller registered under the agreement that has sales in at least five
 29 member states, has total annual sales revenue of at least five hundred million dollars, has a
 30 proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a
 31 performance agreement with the member states that establishes a tax performance standard for the
 32 seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same
 33 proprietary system;

34 (58) "Model 4 seller", a seller that is registered under the agreement and is not a Model 1
 35 Seller, a Model 2 Seller or a Model 3 Seller;

36 (59) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the
 37 director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing
 38 trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a
 39 permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as
 40 hereinafter provided;

41 [(7)] (60) "Other direct mail", any direct mail that is not advertising and promotional direct
 42 mail regardless of whether advertising and promotional direct mail is included in the same mailing.
 43 Other direct mail includes, but is not limited to:

44 (a) Transactional direct mail that contains personal information specific to the one addressee
 45 including, but not limited to, invoices, bills, statements of account, and payroll advices;

46 (b) Any legally required mailings including, but not limited to, privacy notices, tax reports,
 47 and stockholder reports; and

48 (c) Other nonpromotional direct mail delivered to existing or former shareholders,

customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) "Over-the-counter drug", a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

(a) A drug facts panel; or

(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, or any other legal entity;

[(8)] (63) "Place of primary use", the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;

(64) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(65) "Prepaid calling service", the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(66) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(67) "Prepared food", food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(68) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(69) "Prewritten computer software", computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific

1 purchaser. The combining of two or more prewritten computer software programs or prewritten
 2 portions thereof shall not cause the combination to be other than prewritten computer software.
 3 Prewritten computer software shall include software designed and developed by the author or other
 4 creator to the specifications of a specific purchaser when it is sold to a person other than the specific
 5 purchaser. Where a person modifies or enhances computer software of which the person is not the
 6 author or creator, the person shall be deemed to be the author or creator only of such person's
 7 modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is
 8 modified or enhanced to any degree, where such modification or enhancement is designed and
 9 developed to the specifications of a specific purchaser, remains prewritten computer software;
 10 provided, however, that where there is a reasonable, separately stated charge or an invoice or other
 11 statement of the price given to the purchaser for such modification or enhancement, such
 12 modification or enhancement shall not constitute prewritten computer software;

13 (70) "Private communication service", a telecommunications service that entitles the
 14 customer to exclusive or priority use of a communications channel or group of channels between or
 15 among termination points, regardless of the manner in which such channel or channels are
 16 connected, and includes switching capacity, extension lines, stations, and any other associated
 17 services that are provided in connection with the use of such channel or channels;

18 (71) "Product-based exemption", an exemption based on the description of the product and
 19 not based on who purchases the product or how the purchaser intends to use the product;

20 (72) "Product which is intended to be sold ultimately for final use or consumption", tangible
 21 personal property, or any service that is subject to state or local sales or use taxes, or any tax that is
 22 substantially equivalent to these taxes, in this state or any other state;

23 (73) "Prosthetic device", a replacement, corrective, or supportive device including repair and
 24 replacement parts for same worn on or in the body to artificially replace a missing portion of the
 25 body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion
 26 of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses
 27 and shall be limited to the classification of devices eligible for MO HealthNet and Medicare
 28 reimbursement;

29 (74) "Protective equipment", items for human wear and designed as protection of the wearer
 30 against injury or disease or as protection against damage or injury of other persons or property but
 31 not suitable for general use. Protective equipment is mutually exclusive of clothing, clothing
 32 accessories or equipment, and sport or recreational equipment;

33 (75) "Purchase", the acquisition of the ownership of, or title to, tangible personal property,
 34 through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

35 (76) "Purchase price", applies to the measure subject to use tax and has the same meaning as
 36 sales price;

37 (77) "Purchaser" [means], a person [who purchases tangible] to whom a sale of personal
 38 property is made or to whom [are rendered services, receipts from which are taxable under sections
 39 144.010 to 144.525] a service is furnished;

40 [(9)] (78) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft kit,
 41 light aircraft parts or components who is a nonresident of this state, who will transport the light
 42 aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the
 43 date of purchase, and who will register any light aircraft so purchased in another state or country.
 44 Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of
 45 the state unless such purchaser has paid sales or use tax on such aircraft in another state;

46 (79) "Receive" or "receipt", taking possession of tangible personal property; making first use
 47 of services; or taking possession or making first use of digital goods, whichever comes first. Receive
 48 and receipt shall not include possession by a shipping company on behalf of the purchaser;

1 (80) "Registered under the agreement", registration by a seller with the member states under
 2 the central registration system provided in Article IV of the agreement;

3 (81) "Research or experimentation activities" are the development of an experimental or
 4 pilot model, plant process, formula, invention or similar property, and the improvement of existing
 5 property of such type. Research or experimentation activities do not include activities such as
 6 ordinary testing or inspection of materials or products for quality control, efficiency surveys,
 7 advertising promotions or research in connection with literary, historical or similar projects;

8 [(10) "Sale" or "sales" includes installment and credit sales, and the exchange of properties
 9 as well as the sale thereof for money, every closed transaction constituting a sale, and means any
 10 transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of
 11 tangible personal property for valuable consideration and the rendering, furnishing or selling for a
 12 valuable consideration any of the substances, things and services herein designated and defined as
 13 taxable under the terms of sections 144.010 to 144.525;

14 (11)] (82) "Sale at retail" [means any transfer made by any person engaged in business as
 15 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or
 16 consumption and not for resale in any form as tangible personal property, for a valuable
 17 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
 18 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,
 19 optometrists and veterinarians and used in the practice of their professions shall be deemed to be
 20 purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,
 21 computer output or microfilm or microfiche and computer-assisted photo compositions to a
 22 purchaser to enable the purchaser to obtain for his or her own use the desired information contained
 23 in such computer printouts, computer output on microfilm or microfiche and computer-assisted
 24 photo compositions shall be considered as the sale of a service and not as the sale of tangible
 25 personal property] or "retail sale" means any sale, lease, or rental for any purpose other than for
 26 resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed
 27 physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall
 28 be deemed to be purchases for use or consumption and not for resale. Where necessary to conform
 29 to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail"
 30 shall be construed to embrace:

31 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of
 32 amusement, entertainment and recreation, games and athletic events;

33 (b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic,
 34 commercial or industrial consumers;

35 (c) Sales of local and long distance telecommunications service to telecommunications
 36 subscribers and to others through equipment of telecommunications subscribers for the transmission
 37 of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining
 38 or incidental thereto;

39 (d) Sales of service for transmission of messages by telegraph companies;

40 (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern,
 41 inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in
 42 which rooms, meals or drinks are regularly served to the public;

43 (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car,
 44 boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad
 45 safety of the department of economic development of Missouri, engaged in the transportation of
 46 persons for hire;

47 (g) Sales or charges for video programming service described in Public Law No. 104-104,
 48 Title VI, Section 602, 110 Stat. 144 (1996).

1 (83) "School art supply":

2 (a) An item commonly used by a student in a course of study for artwork. The term is
 3 mutually exclusive of the terms school supply, school instructional material, and school computer
 4 supply;

5 (b) The following is an all-inclusive list:

6 a. Clay and glazes;

7 b. Paints, acrylic, tempora, and oil;

8 c. Paintbrushes for artwork;

9 d. Sketch and drawing pads; and

10 e. Watercolors;

11 (84) "School computer supply":

12 (a) An item commonly used by a student in a course of study in which a computer is used.
 13 The term is mutually exclusive of the terms school supply, school art supply, and school instructional
 14 material.

15 (b) The following is an all-inclusive list:

16 a. Computer storage media, diskettes, compact disks;

17 b. Handheld electronic schedulers, except devices that are cellular phones;

18 c. Personal digital assistants, except devices that are cellular phones; and

19 d. Computer printers and printer supplies for computers, printer paper, and printer ink;

20 (85) "School instructional material":

21 (a) Written material commonly used by a student in a course of study as a reference and to
 22 learn the subject being taught. The term is mutually exclusive of the terms school supply, school art
 23 supply, and school computer supply;

24 (b) The following is an all-inclusive list:

25 a. Reference books;

26 b. Reference maps and globes;

27 c. Textbooks; and

28 d. Workbooks;

29 (86) "School supply":

30 (a) An item commonly used by a student in a course of study. The term is mutually
 31 exclusive of the terms school art supply, school instructional material, and school computer supply;

32 (b) The following is an all-inclusive list:

33 a. Binders;

34 b. Book bags;

35 c. Calculators;

36 d. Cellophane tape;

37 e. Blackboard chalk;

38 f. Compasses;

39 g. Composition books;

40 h. Crayons;

41 i. Erasers;

42 j. Folders, expandable, pocket, plastic, and manila;

43 k. Glue, paste, and paste sticks;

44 l. Highlighters;

45 m. Index cards;

46 n. Index card boxes;

47 o. Legal pads;

48 p. Lunch boxes;

- 1 q. Markers;
- 2 r. Notebooks;
- 3 s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper,
- 4 colored paper, poster board, and construction paper;
- 5 t. Pencil boxes and other school supply boxes;
- 6 u. Pencil sharpeners;
- 7 v. Pencils;
- 8 w. Pens;
- 9 x. Protractors;
- 10 y. Rulers;
- 11 z. Scissors; and
- 12 aa. Writing tablets;

13 [(12)] (87) "Seller" means a person [selling or furnishing tangible] making sales, leases, or
 14 rentals of personal property or [rendering services, on the receipts from which a tax is imposed
 15 pursuant to section 144.020] services;

16 (88) "Selling agent", every person acting as a representative of a principal, when such
 17 principal is not registered with the director of revenue of the state of Missouri for the collection of
 18 the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible
 19 personal property of the principal, if such property is to be stored, used, or consumed in this state;

20 (89) "Service address":

21 (a) The location of the telecommunications equipment to which a customer's call is charged
 22 and from which the call originates or terminates, regardless of where the call is billed or paid;

23 (b) If the location in paragraph (a) of this subdivision is not known, "service address" means
 24 the origination point of the signal of the telecommunications services first identified by either the
 25 seller's telecommunications system or in information received by the seller from its service provider,
 26 where the system used to transport such signals is not that of the seller;

27 (c) If the location in paragraphs (a) and (b) of this subdivision are not known, the service
 28 address shall be the location of the customer's place of primary use;

29 (90) "Specified digital products", electronically transferred digital audio-visual works,
 30 digital audio works, and digital books;

31 (91) "Sport or recreational equipment", items designed for human use and worn in
 32 conjunction with an athletic or recreational activity that are not suitable for general use. Sport or
 33 recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and
 34 protective equipment;

35 (92) "State", any state of the United States, the District of Columbia, and the Commonwealth
 36 of Puerto Rico;

37 (93) "Storage", any keeping or retention in this state of tangible personal property purchased
 38 from a vendor, except property for sale or property that is temporarily kept or retained in this state
 39 for subsequent use outside the state;

40 (94) "Tangible personal property", personal property that can be seen, weighed, measured,
 41 felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property
 42 shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal
 43 property shall not include specified digital products, digital audio-visual works, digital audio works,
 44 or digital books;

45 [(13) The noun] (95) "Tax" [means], either the tax payable by the purchaser of a commodity
 46 or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities
 47 or services during the period for which he or she is required to report his or her collections, as the
 48 context may require;

(96) "Taxpayer", any person remitting the tax or who should remit the tax levied by this chapter;

(97) "Telecommunications nonrecurring charges", an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;

[(14)] (98) "Telecommunications service"[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

- 1 (99) "Transportation equipment", any of the following:
2 (a) Locomotives and railcars that are utilized for the carriage of persons or property in
3 interstate commerce;
4 (b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand
5 one pounds or greater, trailers, semitrailers, or passenger buses that are:
6 a. Registered through the International Registration Plan; and
7 b. Operated under authority of a carrier authorized and certificated by the United States
8 Department of Transportation or another federal authority to engage in the carriage of persons or
9 property in interstate commerce;
10 (c) Aircraft that are operated by air carriers authorized and certificated by the United States
11 Department of Transportation or another federal or a foreign authority to engage in the carriage of
12 persons or property in interstate or foreign commerce;
13 (d) Containers designed for use on and component parts attached or secured on the items set
14 forth in paragraphs (a) to (c) of this subdivision;
15 (100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains
16 tobacco;
17 (101) "Use", the exercise of any right or power over tangible personal property incident to
18 the ownership or control of that property, except that it does not include the temporary storage of
19 property in this state for subsequent use outside the state, or the sale of the property in the regular
20 course of business;
21 (102) "Use-based exemption", an exemption based on a specified use of the product by the
22 purchaser;
23 (103) "Vendor", every person engaged in making sales of tangible personal property by mail
24 order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for
25 sales of tangible personal property, for storage, use or consumption in this state, all salesmen,
26 solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers,
27 distributors, consignors, supervisors, principals or employers under whom they operate or from
28 whom they obtain the tangible personal property sold by them, and every person who maintains a
29 place of business in this state, maintains a stock of goods in this state, or engages in business
30 activities within this state and every person who engages in this state in the business of acting as a
31 selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of
32 whether they are making sales on their own behalf or on behalf of the dealers, distributors,
33 consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers,
34 distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the
35 purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes
36 of sections 144.600 to 144.745 if all of the following apply:
37 (a) The person's total gross receipts did not exceed five hundred thousand dollars in this
38 state, or twelve and one-half million dollars in the entire United States, in the immediately preceding
39 calendar year;
40 (b) The person maintains no place of business in this state; and
41 (c) The person has no selling agents in this state.
42 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
43 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections
44 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given
45 it in section 700.010.
46 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".
47 144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1,
48 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to

1 144.746 on all retail sales of food and food ingredients shall be at the rate of one percent. The
 2 revenue derived from the one percent rate pursuant to this section shall be deposited by the state
 3 treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

4 2. [For the purposes of this section, the term "food" shall include only those products and
 5 types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food
 6 Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be
 7 amended hereafter, and shall include food dispensed by or through vending machines. For the
 8 purpose of this section,] Except for food sold through vending [machine sales, the term "food"]
 9 machines, subsection 1 of this section shall not [include] apply to food or drink sold by any
 10 establishment where the gross receipts derived from the sale of food prepared by such establishment
 11 for immediate consumption on or off the premises of the establishment constitutes more than eighty
 12 percent of the total gross receipts of that establishment, regardless of whether such prepared food is
 13 consumed on the premises of that establishment, including, but not limited to, sales of food by any
 14 restaurant, fast food restaurant, delicatessen, eating house, or café.

15 144.022. 1. In the case of a bundled transaction that includes any of the following:
 16 telecommunication service, ancillary service, internet access, or audio or video programming
 17 service:

18 (1) If the price is attributable to products that are taxable and products that are nontaxable,
 19 the portion of the price attributable to the nontaxable products may be subject to tax unless the
 20 provider can identify by reasonable and verifiable standards such portion from its books and records
 21 that are kept in the regular course of business for other purposes, including, but not limited to,
 22 nontax purposes;

23 (2) If the price is attributable to products that are subject to tax at different tax rates, the total
 24 price shall be treated as attributable to the products subject to tax at the highest tax rate unless the
 25 provider can identify by reasonable and verifiable standards the portion of the price attributable to
 26 the products subject to tax at the lower rate from its books and records that are kept in the regular
 27 course of business for other purposes, including, but not limited to, nontax purposes;

28 (3) The provisions of this section shall apply unless otherwise provided by federal law.

29 2. In the case of a transaction that includes an optional computer software maintenance
 30 contract for prewritten computer software, the following provisions apply:

31 (1) If an optional computer software maintenance contract only obligates the vendor to
 32 provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

33 (2) If an optional computer software maintenance contract only obligates the vendor to
 34 provide support services, it shall be characterized as a sale of services and not a sale of tangible
 35 personal property;

36 (3) If an optional computer software maintenance contract is a bundled transaction in which
 37 both taxable and nontaxable or exempt products that are not separately itemized on the invoice or
 38 similar billing document, the purchase price under the contract shall be taxable.

39 144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010
 40 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections
 41 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other
 42 state of the United States, or between this state and any foreign country, and any retail sale which the
 43 state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States
 44 of America, and such retail sales of tangible personal property which the general assembly of the
 45 state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

46 2. There are also specifically exempted from the provisions of the local sales tax law as
 47 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
 48 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as

defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

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

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

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

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

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

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish

1 new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery
2 and equipment is used directly in manufacturing, mining or fabricating a product which is intended
3 to be sold ultimately for final use or consumption;

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

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

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

11 (10) The rentals of films, records or any type of sound or picture transcriptions for public
12 commercial display;

13 (11) Pumping machinery and equipment used to propel products delivered by pipelines
14 engaged as common carriers;

15 (12) Railroad rolling stock for use in transporting persons or property in interstate commerce
16 and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers
17 used by common carriers, as defined in section 390.020, in the transportation of persons or property;

18 (13) Electrical energy used in the actual primary manufacture, processing, compounding,
19 mining or producing of a product, or electrical energy used in the actual secondary processing or
20 fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of
21 this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so
22 used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the
23 cost of electrical energy so used or if the raw materials used in such processing contain at least
24 twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable
25 presumption that the raw materials used in the primary manufacture of automobiles contain at least
26 twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any
27 mode of treatment, act or series of acts performed upon materials to transform and reduce them to a
28 different state or thing, including treatment necessary to maintain or preserve such processing by the
29 producer at the production facility;

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

32 (15) Machinery, equipment, appliances and devices purchased or leased and used solely for
33 the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely
34 required for the installation, construction or reconstruction of such machinery, equipment, appliances
35 and devices;

36 (16) Machinery, equipment, appliances and devices purchased or leased and used solely for
37 the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely
38 required for the installation, construction or reconstruction of such machinery, equipment, appliances
39 and devices;

40 (17) Tangible personal property purchased by a rural water district;

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

47 (19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980,
48 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 or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental 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, all sales of kidney dialysis equipment and enteral feeding systems, all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment, and [drugs required by the Food and Drug Administration to meet the] all sales of over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] drugs as prescribed by a health care practitioner licensed to prescribe;

(20) 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;

(21) 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 (20) 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;

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

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance

the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

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

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] pipd natural or artificial gas, or other fuels delivered by the seller for domestic use [and in any city not within a county, all sales of metered or unmetered water service for domestic use]:

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

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

(c) Each person making domestic use purchases of [services or property] electricity, pipd natural or artificial gas, or other fuels delivered by the seller and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] electricity, pipd natural or artificial gas, or other fuels delivered by the seller and who uses any portion of the [services or property] electricity, pipd natural or artificial gas, or other fuels delivered by the seller so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic

1 use portion of the purchase. The person making such purchases on behalf of occupants of residential
 2 apartments or condominiums shall have standing to apply to the director of revenue for such credit or
 3 refund;

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

7 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071, 4081,
 8 [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue
 9 shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such
 10 excise taxes;

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

16 (28) All sales made to an interstate compact agency created pursuant to sections 70.370 to
 17 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency
 18 as provided pursuant to the compact;

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

23 (30) All livestock sales when either the seller is engaged in the growing, producing or
 24 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or
 25 leasing of such livestock;

26 (31) All sales of barges which are to be used primarily in the transportation of property or
 27 cargo on interstate waterways;

28 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities
 29 which are ultimately consumed in connection with the manufacturing of cellular glass products or in
 30 any material recovery processing plant as defined in subdivision (5) of this subsection;

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

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

36 (35) All sales of grain bins for storage of grain for resale;

37 (36) All sales of feed which are developed for and used in the feeding of pets owned by a
 38 commercial breeder when such sales are made to a commercial breeder, as defined in section
 39 273.325, and licensed pursuant to sections 273.325 to 273.357;

40 (37) All purchases by a contractor on behalf of an entity located in another state, provided
 41 that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the
 42 provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption"
 43 shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases
 44 pursuant to the laws of the state in which the entity is located. Any contractor making purchases on
 45 behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the
 46 exemption. If the exemption certificate issued by the exempt entity to the contractor is later
 47 determined by the director of revenue to be invalid for any reason and the contractor has accepted the
 48 certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of

any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

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

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

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

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

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

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

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

(43) All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;

(44) All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions.

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

1 vendor as a corporation that is a member of the same "controlled group of corporations" as defined in
 2 Section 1563(a) of the Internal Revenue Code, as amended.

3 144.032. The provisions of section 144.030 to the contrary notwithstanding, any city
 4 imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a
 5 sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under
 6 the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the
 7 provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water
 8 services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home
 9 heating oil] piped natural or artificial gas, or other fuels delivered by the seller for domestic use only.
 10 Such tax shall be administered by the department of revenue and assessed by the retailer in the same
 11 manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in
 12 the same manner as the determination of domestic use for exemption of such sales from the state
 13 sales tax under the provisions of section 144.030.

14 144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible
 15 personal property or digital goods shall be sourced to the location where the order is received by the
 16 seller.

17 (2) This subsection shall apply only if:

18 (a) The location where receipt of the product by the purchaser occurs is determined in
 19 accordance with subsection 2 of this section; and

20 (b) At the time the order is received, the record keeping system of the seller used to calculate
 21 the proper amount of sales or use tax to be imposed captures the location where the order is received.

22 (3) When the sale is sourced under this section to the location where the order is received by
 23 the seller, only the sales tax for the location where the order is received by the seller may be levied.
 24 No additional sales or use tax based on the location where the product is delivered to the purchaser
 25 may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state
 26 and local rate or rates at the location where the product is received by the purchaser is lower than the
 27 rate where the order is received by the seller.

28 (4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a
 29 sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such
 30 invoice amount is calculated at either the rate applicable to the location where receipt by the
 31 purchaser occurs or at the rate applicable to the location where the order is received by the seller. A
 32 purchaser may rely on a written representation by the seller as to the location where the order for
 33 such sale was received by the seller. When the purchaser does not have a written representation by
 34 the seller as to the location where the order for such sale was received by the seller, the purchaser
 35 may use a location indicated by a business address for the seller that is available from the business
 36 records of the purchaser that are maintained in the ordinary course of the purchaser's business to
 37 determine the rate applicable to the location where the order was received.

38 (5) The location where the order is received by or on behalf of the seller means the physical
 39 location of a seller or third party such as an established outlet, office location or automated order
 40 receipt system operated by or on behalf of the seller where an order is initially received by or on
 41 behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled.
 42 An order is received when all of the information from the purchaser necessary to the determination
 43 whether the order can be accepted has been received by or on behalf of the seller. The location from
 44 which a product is shipped shall not be used in determining the location where the order is received
 45 by the seller.

46 (6) When taxable services are sold with tangible personal property or digital products
 47 pursuant to a single contract or in the same transaction, are billed on the same billing statement or
 48 statements, and, because of the application of this section, would be sourced to different

jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an

1 address for the property provided by the lessee that is available to the lessor from its records
 2 maintained in the ordinary course of business, when use of such address does not constitute bad faith.
 3 Such location shall not be altered by intermittent use at different locations;

4 (2) For a lease or rental that does not require recurring periodic payments, the payment is
 5 sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

6 (3) This subsection does not affect the imposition or computation of sales or use tax on
 7 leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

8 6. The retail sale, including lease or rental, of transportation equipment shall be sourced the
 9 same as a retail sale in accordance with the provisions of subsection 1 of this section,
 10 notwithstanding the exclusion of lease or rental in subsection 1 of this section.

11 7. (1) The retail sale of a product shall be sourced in accordance with this section. The
 12 provisions of this section shall apply regardless of the characterization of a product as tangible
 13 personal property, a digital good, or a service. The provisions of this section shall only apply to
 14 determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's
 15 retail sale of a product. The provisions of this subsection shall not affect the obligation of a
 16 purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

17 (2) This section shall not apply to sales or use taxes levied on the following:

18 (a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile
 19 homes; and

20 (b) Telecommunications services and ancillary services.

21 144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the
 22 seller with either:

23 (a) A direct pay permit;

24 (b) An agreement certificate of exemption claiming direct mail (or other written statement
 25 approved, authorized or accepted by the state); or

26 (c) Information showing the jurisdictions to which the advertising and promotional direct
 27 mail is to be delivered to recipients.

28 (2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a)
 29 or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is
 30 relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising
 31 and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall
 32 source the sale to the jurisdictions to which the advertising and promotional direct mail is to be
 33 delivered to the recipients and shall report and pay any applicable tax due.

34 (3) If the purchaser provides the seller information showing the jurisdictions to which the
 35 advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale
 36 to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall
 37 collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further
 38 obligation to collect any additional tax on the sale of advertising and promotional direct mail where
 39 the seller has sourced the sale according to the delivery information provided by the purchaser.

40 (4) If the purchaser does not provide the seller with any of the items listed in paragraph (a),
 41 (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to
 42 subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and
 43 promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this
 44 subdivision.

45 (5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and
 46 promotional direct mail.

47 2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced
 48 in accordance with subdivision (3) of subsection 2 of section 144.040.

1 (2) A purchaser of other direct mail may provide the seller with either:

2 (a) A direct pay permit; or

3 (b) An agreement certificate of exemption claiming direct mail (or other written statement
4 approved, authorized or accepted by the state).

5 (3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a)
6 or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all
7 obligations to collect, pay or remit any tax on any transaction involving other direct mail to which
8 the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the
9 sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the
10 recipients and the purchaser shall report and pay applicable tax due.

11 (4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

12 3. (1) (a) This section applies to a transaction characterized under state law as the sale of
13 services only if the service is an integral part of the production and distribution of printed material
14 that meets the definition of direct mail.

15 (b) This section does not apply to any transaction that includes the development of billing
16 information or the provision of any data processing service that is more than incidental regardless of
17 whether advertising and promotional direct mail is included in the same mailing.

18 (2) If a transaction is a bundled transaction that includes advertising and promotion direct
19 mail, this section applies only if the primary purpose of the transaction is the sale of products or
20 services that meet the definition of advertising and promotional direct mail.

21 (3) Nothing in this section shall limit any purchaser's:

22 (a) Obligation for sales or use tax to any state to which the direct mail is delivered;

23 (b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes
24 legally due and paid to other jurisdictions; or

25 (c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

26 (4) This section applies for purposes of uniformly sourcing direct mail transactions and does
27 not impose requirements on states regarding the taxation of products that meet the definition of
28 direct mail or to the application of sales for resale or other exemptions.

29 144.043. 1. [As used in this section, the following terms mean:

30 (1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight
31 of three thousand pounds or less, which is primarily used for recreational flying or flight training;

32 (2) "Light aircraft kit", factory manufactured parts and components, including engine,
33 propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or
34 partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser
35 for recreational and educational purposes;

36 (3) "Parts and components", manufactured light aircraft parts, including air frame and engine
37 parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare or
38 replacement parts for an already completed light aircraft;

39 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or
40 components who is nonresident of this state, who will transport the light aircraft, light aircraft kit,
41 parts or components outside this state within ten days after the date of purchase, and who will
42 register any light aircraft so purchased in another state or country. Such purchaser shall not base
43 such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser
44 has paid sales or use tax on such aircraft in another state.

45 2. In addition to the exemptions granted under the provisions of section 144.030, there shall
46 also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600
47 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section
48 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to

144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:

(1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction; or

(2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the customer's place of primary use.

3. The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:

(a) The seller's telecommunications system; or

(b) Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of internet access service is sourced to the customer's place of primary use.

5. The sale of an ancillary service is sourced to the customer's place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used

1 to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated
 2 to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags,
 3 handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

4 (2) "Personal computers", a laptop, desktop, or tower computer system which consists of a
 5 central processing unit, random access memory, a storage drive, a display monitor, and a keyboard
 6 and devices designed for use in conjunction with a personal computer, such as a disk drive, memory
 7 module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse,
 8 multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard,
 9 or video card;

10 (3) "School supplies", any item normally used by students in a standard classroom for
 11 educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments,
 12 crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes.
 13 The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or
 14 desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall
 15 also include computer software having a taxable value of three hundred fifty dollars or less.

16 2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted
 17 from state sales tax law all retail sales of any article of clothing having a taxable value of one
 18 hundred dollars or less[.]; all retail sales of school supplies, school art supplies, and school
 19 instructional materials not to exceed fifty dollars per purchase[.]; all prewritten computer software
 20 with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal]
 21 computers [or computer peripheral devices] and school computer supplies not to exceed three
 22 thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday
 23 in August and ending at midnight on the Sunday following.

24 [3. If the governing body of any political subdivision adopted an ordinance that applied to
 25 the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax
 26 holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of
 27 a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political
 28 subdivision's local sales tax. However, any such political subdivision may enact an ordinance to
 29 allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify
 30 the department of revenue not less than forty-five calendar days prior to the beginning date of the
 31 sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to
 32 opt out.

33 4.] 2. This section shall not apply to any sales which take place within the Missouri state
 34 fairgrounds.

35 [5.] 3. This section applies to sales of items bought for personal use only.

36 [6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance
 37 or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax.
 38 After opting out, the political subdivision may rescind the ordinance or order. The political
 39 subdivision must notify the department of revenue not less than forty-five calendar days prior to the
 40 beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an
 41 ordinance or order to opt out.

42 7.] 4. This section may not apply to any retailer when less than two percent of the retailer's
 43 merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax
 44 refund in lieu of the sales tax holiday.

45 144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or
 46 outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax
 47 law makes application to the director of revenue for an official certificate of title and the registration
 48 of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall

present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

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

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

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

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

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

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions.

However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply. [7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company,

and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections

1 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and
2 144.440.

3 [5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to
4 any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to
5 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or
6 that it will not be separately stated and added to the selling price of the property sold or service
7 rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the
8 provisions of this section shall be guilty of a misdemeanor.

9 144.082. 1. The director shall participate in an online registration system that will allow
10 sellers to register in this state and other member states.

11 2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable
12 sales into this state as well as the other member states, including member states joining after the
13 seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a
14 seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

15 3. If the seller has a requirement to register prior to registering under the agreement, such
16 seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

17 4. Registration with the central registration system and the collection of sales and use taxes
18 in this state shall not be used as a factor in determining whether the seller has nexus with this state
19 for any tax at any time.

20 144.083. 1. The director of revenue shall require all persons who are responsible for the
21 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost
22 to the licensee which shall be prominently displayed at the licensee's place of business, and the
23 license is valid until revoked by the director or surrendered by the person to whom issued when sales
24 are discontinued. The director shall issue the retail sales license within ten working days following
25 the receipt of a properly completed application. Any person applying for a retail sales license or
26 reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or
27 sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the
28 department may issue the applicant a license or reinstate the revoked license. All persons beginning
29 business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a
30 retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked
31 by the director of revenue only in the event the licensee shall be in default for a period of sixty days
32 in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261.
33 Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue
34 may publish the status of the business account including the date of revocation in a manner as
35 determined by the director.

36 2. The possession of a retail sales license and a statement from the department of revenue
37 that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261
38 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state
39 license which is required for conducting any business where goods are sold at retail. The date of
40 issuance on the statement that the licensee owes no tax due shall be no more than ninety days before
41 the date of submission for application or renewal of the local license. The revocation of a retailer's
42 license by the director shall render the occupational license or the state license null and void.

43 3. No person responsible for the collection of taxes under section 144.080 shall make sales at
44 retail unless such person is the holder of a valid retail sales license. After all appeals have been
45 exhausted, the director of revenue may notify the county or city law enforcement agency
46 representing the area in which the former licensee's business is located that the retail sales license of
47 such person has been revoked, and that any county or city occupation license of such person is also
48 revoked. The county or city may enforce the provisions of this section, and may prohibit further

1 sales at retail by such person.

2 4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the
3 possession of a statement from the department of revenue stating no tax is due under sections
4 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or
5 renewal of any city or county occupation license or any state license required for conducting any
6 business where goods are sold at retail. The statement of no tax due shall be dated no longer than
7 ninety days before the date of submission for application or renewal of the city or county license.

8 [5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale
9 price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or
10 mechanisms negotiated between manufacturers, wholesalers, and retailers.]

11 144.084. 1. The director shall promulgate rules and regulations for remittance of returns.
12 Such rules shall:

13 (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;

14 (2) Provide an alternative method for making "same day" payments if an electronic funds
15 transfer fails;

16 (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be
17 due on the next succeeding business day; and

18 (4) Require that any data that accompanies a remittance be formatted using uniform tax type
19 and payment type codes approved by the streamlined sales and use tax governing board.

20 2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1,
21 model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved
22 by the director at such times as may be prescribed by the director.

23 144.100. 1. Every person making any taxable sales of property or service, except
24 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer
25 or agent, shall make and file a written return with the director of revenue in such manner as he may
26 prescribe.

27 2. The returns shall be on blanks designed and furnished by the director of the department of
28 revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall
29 [show the amount of gross receipts from sales of taxable property and services by the person and the
30 amount of tax due thereon by that person during and for the period covered by the return] state:

31 (1) The name and address of the retailer;

32 (2) The total amount of gross sales of all tangible personal property and taxable services
33 rendered by the retailer during the period for which the return is made;

34 (3) The total amount received during the period for which the return is made on charge and
35 time sales of tangible personal property made and taxable services rendered prior to the period for
36 which the return is made;

37 (4) Deductions allowed by law from such total amount of gross sales and from total amount
38 received during the period for which the return is made on such charge and time sales;

39 (5) Receipts during the period for which the return is made from the total amount of sales of
40 tangible personal property and taxable services rendered during such period in the course of such
41 business, after deductions allowed by law have been made;

42 (6) Receipts during the period for which the return is made from charge and time sales of
43 tangible personal property made and taxable services rendered prior to such period in the course of
44 such business, after deductions allowed by law have been made;

45 (7) Gross receipts during the period for which the return is made from sales of tangible
46 personal property and taxable services rendered in the course of such business upon the basis of
47 which the tax is imposed; and

48 (8) Such other pertinent information as the director may require.

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] 5. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] 6. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] 7. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

144.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax

1 return.

2 4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in
 3 part, the tax on the amount so collected shall be paid and reported on the return filed for the period in
 4 which the collection is made.

5 5. When the amount of bad debt exceeds the amount of taxable sales for the period during
 6 which the bad debt is written off, a refund claim may be filed by the seller within the applicable
 7 statute of limitations for refund claim; however, the statute of limitations shall be measured from the
 8 due date of the return on which the bad debt could first be claimed.

9 6. Where filing responsibilities have been assumed by a certified service provider, such
 10 service provider may claim, on behalf of the seller, any bad debt allowance provided by this section.
 11 The certified service provider shall credit or refund the full amount of any bad debt allowance or
 12 refund received to the seller.

13 7. For the purposes of reporting a payment received on a previously claimed bad debt, any
 14 payments made on a debt or account shall first be applied proportionally to the taxable price of the
 15 property or service and the sales tax thereon, and secondly to interest, service charges, and any other
 16 charges.

17 8. In situations where the books and records of the seller, or certified service provider on
 18 behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the
 19 member states, such an allocation shall be permitted.

20 144.105. 1. The state shall review software submitted to the streamlined sales and use tax
 21 governing board for certification as a certified automated system (CAS) under Section 501 of the
 22 streamlined sales and use tax agreement. Such review shall include a review to determine that the
 23 program adequately classifies the state's product-based exemptions. Upon completion of the review,
 24 the state shall certify to the governing board its acceptance of the classifications made by the system.
 25 The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state
 26 and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2
 27 seller's reliance on the certification provided by the state.

28 2. The streamlined sales and use tax governing board and this state shall not be responsible
 29 for classification of an item or transaction with the product-based exemptions. The relief from
 30 liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly
 31 classified an item or transaction into a product-based exemption certified by this state. This
 32 subsection shall apply to the individual listing of items or transactions within a product definition
 33 approved by the governing board or the state.

34 3. If the state determines that an item or transaction is incorrectly classified as to its
 35 taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model
 36 2 seller shall have ten days to revise the classification after receipt of notice from the state of the
 37 determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure
 38 to collect the correct amount of sales or use taxes due and owing to the state.

39 144.123. 1. The director shall provide and maintain a database that describes boundary
 40 changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax
 41 purposes.

42 2. The director shall provide and maintain a database of all sales and use tax rates for all
 43 taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates
 44 shall be provided according to Federal Information Processing Standards (FIPS) as developed by the
 45 National Institute of Standards and Technology. For the identification of all other jurisdictions,
 46 codes corresponding to the rates shall be in a format determined by the director.

47 3. The director shall provide and maintain a database that assigns each five- and nine-digit
 48 zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the

zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the

1 director in the taxability matrix.

2 144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a
 3 seller who registers to pay or to collect and remit applicable sales or use tax on sales made to
 4 purchasers in this state in accordance with the terms of the agreement, provided that the seller was
 5 not so registered in this state in the twelve-month period preceding the effective date of this state's
 6 participation in the agreement.

7 (2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together
 8 with penalty or interest for sales made during the period the seller was not registered in this state,
 9 provided registration occurs within twelve months of the effective date of this state's participation in
 10 the agreement.

11 (3) Amnesty shall be provided if this state joins the agreement after the seller has registered.
 12 2. Amnesty shall not be available to a seller with respect to any matter or matters for which
 13 the seller received notice of the commencement of an audit and which audit is not yet finally
 14 resolved including any related administrative and judicial processes. The amnesty shall not be
 15 available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

16 3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or
 17 intentional misrepresentation of a material fact, as long as the seller continues registration and
 18 payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six
 19 months. The statute of limitations applicable to asserting a tax liability during this thirty-six month
 20 period shall be tolled.

21 4. Amnesty provided under this section shall be applicable only to sales or use taxes due
 22 from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as
 23 a purchaser.

24 5. The provisions of this section shall become effective as of the date that the state joins and
 25 becomes a member state of the agreement.

26 144.140. 1. From every remittance to the director of revenue made on or before the date
 27 when the same becomes due, the person required to remit the same shall be entitled to deduct and
 28 retain an amount equal to two percent thereof.

29 2. If the director of the department of revenue enters into the streamlined sales and use tax
 30 agreement under section 32.070, the director shall provide a monetary allowance from the taxes
 31 collected to each of the following:

32 (1) A certified service provider, in accordance with the agreement and under the terms of the
 33 contract signed with the provider, provided that such allowance shall not exceed two percent of the
 34 amount collected;

35 (2) Any vendor registered under the agreement that selects a certified automated system to
 36 perform part of its sales or use tax functions;

37 (3) Any vendor registered under the agreement that uses a proprietary system to calculate
 38 taxes due and has entered into a performance agreement with states that are members to the
 39 streamlined sales and use tax agreement.

40 3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of
 41 this section shall be in an amount equal to two percent of the taxes collected.

42 4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled
 43 simultaneously to deduct the allowance provided for in subsection 1 of this section.

44 144.210. 1. The burden of proving that a sale of tangible personal property, services,
 45 substances or things was not a sale at retail shall be upon the person who made the sale, except that
 46 with respect to sales, services, or transactions provided for in section 144.070. [The seller shall
 47 obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any
 48 exempt sales claimed; provided, however, that before any administrative tribunal of this state, a

1 seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible
 2 under the applicable rules of evidence; except that when a purchaser has purchased tangible personal
 3 property or services sales tax free under a claim of exemption which is found to be improper, the
 4 director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from
 5 the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from
 6 the purchaser shall be credited against the amount otherwise due from the seller on the purchases or
 7 sales where the exemption was claimed.]

8 2. If the director of revenue is not satisfied with the return and payment of the tax made by
 9 any person, he is hereby authorized and empowered to make an additional assessment of tax due
 10 from such person, based upon the facts contained in the return or upon any information within his
 11 possession or that shall come into his possession.

12 3. The director of revenue shall give to the person written notice of such additional or
 13 revised assessment by certified or registered mail to the person at his or its last known address.

14 144.212. 1. In addition to all other provisions of law provided for exemptions, when an
 15 exemption is claimed by a purchaser:

16 (1) The seller shall obtain identifying information of the purchaser and the reason for
 17 claiming a tax exemption at the time of the purchase;

18 (2) A purchaser shall not be required to provide a signature to claim an exemption from tax
 19 unless a paper exemption certificate is used;

20 (3) The seller shall use the standard form for claiming an exemption electronically
 21 prescribed by the director of the department of revenue and acceptable to the streamlined sales and
 22 use tax governing board;

23 (4) The seller shall obtain the same information for proof of a claimed exemption regardless
 24 of the medium in which the transaction occurred;

25 (5) The seller shall maintain proper records of exempt transactions and provide such records
 26 to the director of the department of revenue or the director's designee upon request;

27 (6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may
 28 claim a resale exemption based on an exemption certificate provided by its customer or any other
 29 acceptable information available to the third-party vendor evidencing qualification for a resale
 30 exemption, regardless of whether the customer is registered to collect and remit sales and use tax in
 31 the state where the sale is sourced.

32 2. Sellers that comply with the requirements of this section shall be relieved from collecting
 33 and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an
 34 exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability
 35 provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller
 36 who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts
 37 an exemption certificate when the purchaser claims an entity-based exemption when the subject of
 38 the transaction sought to be covered by the exemption certificate is actually received by the
 39 purchaser at a location operated by the seller and the state in which that location resides provides an
 40 exemption certificate that clearly and affirmatively indicates that the claimed exemption is not
 41 available in such state; or to a seller who accepts an exemption certificate claiming multiple points of
 42 use for tangible personal property other than computer software for which an exemption claiming
 43 multiple points of use not available in such state.

44 (1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the
 45 seller obtains a fully completed exemption certificate or captures the relevant data elements required
 46 under the agreement within ninety days subsequent to the date of sale.

47 (2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided
 48 in this section, the seller may, within one hundred twenty days subsequent to a request for

1 substantiation by the director of the department of revenue or the director's designee, either prove
 2 that the transaction was not subject to tax by other means or obtain a fully completed exemption
 3 certificate from the purchaser, taken in good faith.

4 3. Nothing in this section shall affect the ability of the director of the department of revenue
 5 or the director's designee to require purchasers to update exemption certificate information or to
 6 reapply with the state to claim certain exemptions.

7 4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director
 8 shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption
 9 certificate for a purchaser with which the seller has a recurring business relationship. The director
 10 shall not request from the seller renewal of blanket certificates or updates of exemption certificate
 11 information or data elements when there is a recurring business relationship between the buyer and
 12 seller. For purposes of this section, a recurring business relationship exists when a period of no more
 13 than twelve months elapses between sales transactions.

14 144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect
 15 the amount required to be reported and remitted, but not to change the requirements of reporting or
 16 remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of
 17 revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified
 18 amounts, which shall be applicable to all taxable transactions] When the seller is computing the
 19 amount of tax owed by the purchaser and remitted to the state:

20 (1) Tax computation shall be carried to the third decimal place; and

21 (2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent
 22 whenever the third decimal place is greater than four.

23 2. [In all instances where statements covering taxable purchases are rendered to the taxpayer
 24 on a monthly or other periodic basis, the amount of tax shall be determined by applying the
 25 applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest
 26 whole cent, or by application of the brackets established by the director of revenue, at the option of
 27 the retail vendor] Sellers may elect to compute the tax due on a transaction on an item or an invoice
 28 basis. The provision of this subsection may be applied to the aggregated state and local taxes.

29 3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any
 30 sum in excess of the sums provided for in this section.

31 4. [A vendor may, at his option, determine the amount charged to and received from each
 32 purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded
 33 to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases
 34 similarly situated.

35 5.] Amounts which a vendor charges to and receives from the purchaser in accordance with
 36 this section shall not be includable in his gross receipts if the amounts are separately charged or
 37 stated.

38 [6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant
 39 to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period
 40 specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to
 41 each taxing jurisdiction in accordance with the percentage that each such jurisdiction's share of the
 42 tax due for the filing period bears to the total tax due from such taxpayer for such period. The
 43 unpaid balance due along with penalties and interest shall be similarly prorated among the state and
 44 all local jurisdictions for which tax was due during the filing period for which an underpayment
 45 occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales
 46 made on or after January 1, 1984.

47 144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax
 48 Holiday".

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

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance that is an energy star qualified product, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall

1 be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns
 2 and payments shall be due on or before the last day of the month following each calendar period of
 3 three months. Upon the taxpayer's request, the director may allow the filing of such returns and
 4 payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return
 5 and payment shall be due on or before the twentieth day of the succeeding month.

6 5. Any person purchasing tangible personal property subject to the taxes imposed by sections
 7 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such
 8 purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in
 9 any calendar year.

10 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax
 11 imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible
 12 personal property used, stored or consumed in this state and to remit all taxes collected to the
 13 director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser
 14 from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.

15 7. Any out-of-state seller which is not legally required to register for use tax in this state but
 16 chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the
 17 calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the
 18 succeeding year. In the event that any out-of-state seller which is not legally required to register for
 19 use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has
 20 accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such
 21 vendor shall file a return and remit the amount due for the month in which the accumulated state and
 22 local use tax funds equal or exceed one thousand dollars.

23 144.710. [From every remittance made by a vendor as required by sections 144.600 to
 24 144.745 to the director of revenue on or before the date when the remittance becomes due, the
 25 vendor may deduct and retain an amount equal to two percent thereof.] Sections 144.210 and
 26 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax
 27 levied by this law."; and
 28

29 Further amend said bill, Page 27, Section 144.810, Line 242, by inserting after all of said section the
 30 following:

31 "184.845. 1. The board of the district may impose a museum and cultural district sales tax
 32 by resolution on all retail sales made in such museum and cultural district which are subject to
 33 taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum and cultural
 34 district sales tax may be imposed for any museum or cultural purpose designated by the board of the
 35 museum and cultural district. If the resolution is adopted the board of the district may submit the
 36 question of whether to impose a sales tax authorized by this section to [either the legal voters of the
 37 district and/or to the owners of real property within the district] the qualified voters, who shall have
 38 the same voting interests as with the election of members of the board of the district.

39 2. The sales tax authorized by this section shall become effective on the first day of the
 40 second calendar quarter [following adoption of the tax by the qualified voters] after the director of
 41 revenue receives notification of the adoption of the local sales tax.

42 3. In each museum and cultural district in which a sales tax has been imposed in the manner
 43 provided by this section, every retailer shall add the tax imposed by the museum and cultural district
 44 pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part
 45 of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law
 46 in the same manner as the purchase price.

47 4. In order to permit sellers required to collect and report the sales tax authorized by this
 48 section to collect the amount required to be reported and remitted, but not to change the requirements

1 of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of
 2 pennies, the museum and cultural district may establish appropriate brackets which shall be used in
 3 the district imposing a tax pursuant to this section in lieu of those brackets provided in section
 4 [144.825] 144.285.

5 5. All revenue received by a museum and cultural district from the tax authorized by this
 6 section which has been designated for a certain museum or cultural purpose shall be deposited in a
 7 special trust fund and shall be used solely for such designated purpose. All funds remaining in the
 8 special trust fund shall continue to be used solely for such designated museum or cultural purpose.
 9 Any funds in such special trust fund which are not needed for current expenditures may be invested
 10 by the board of directors in accordance with applicable laws relating to the investment of other
 11 museum or cultural district funds.

12 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one
 13 percent or one percent on the receipts from the sale at retail of all tangible personal property or
 14 taxable services at retail within the museum and cultural district adopting such tax, if such property
 15 and services are subject to taxation by the state of Missouri pursuant to the provisions of sections
 16 144.010 to 144.525. Any museum and cultural district sales tax imposed pursuant to this section
 17 shall be imposed at a rate that shall be uniform throughout the district.

18 7. On and after the effective date of any tax imposed pursuant to this section, the [museum
 19 district] director of revenue shall perform all functions incident to the administration, collection,
 20 enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected
 21 and reported upon such forms and under such administrative rules and regulations as may be
 22 prescribed by the [museum district] director.

23 8. All applicable provisions contained in sections 144.010 to 144.525 governing the state
 24 sales tax, sections 32.085 [and] to 32.087, and section 32.057, the uniform confidentiality provision,
 25 shall apply to the collection of the tax imposed by this section[, except as modified in this section].

26 9. All exemptions granted to agencies of government, organizations, persons and to the sale
 27 of certain articles and items of tangible personal property and taxable services pursuant to the
 28 provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and
 29 collection of the tax imposed by this section.

30 10. The same sales tax permit, exemption certificate and retail certificate required by
 31 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy
 32 the requirements of this section, and no additional permit or exemption certificate or retail certificate
 33 shall be required; except that the museum and cultural district may prescribe a form of exemption
 34 certificate for an exemption from the tax imposed by this section.

35 11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of
 36 those sections are hereby made applicable to violations of this section.

37 12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail
 38 sales except retail sales of motor vehicles shall be deemed to be consummated at the place of
 39 business of the retailer unless the tangible personal property sold is delivered by the retailer or the
 40 retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state
 41 destination. In the event a retailer has more than one place of business in this state which participates
 42 in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where
 43 the initial order for the tangible personal property is taken, even though the order shall be forwarded
 44 elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee
 45 shall be deemed to be consummated at the place of business from which the employee works.

46 13. All sales taxes collected by the museum and cultural district shall be deposited by the
 47 museum and cultural district in a special fund to be expended for the purposes authorized in this
 48 section. The museum and cultural district shall keep accurate records of the amount of money which

was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum and cultural district and the Missouri department of revenue. Tax returns filed by businesses within the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum and cultural district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.

221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:
Shall the regional jail district of (counties' names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second calendar quarter [immediately following the election approving the proposal] after the director of revenue receives notification of adoption of the local sales tax. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District

1 Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be
 2 deemed to be state funds and shall not be commingled with any funds of the state. The director of
 3 revenue shall keep accurate records of the amount of money in the trust fund which was collected in
 4 each district imposing a sales tax pursuant to this section, and the records shall be open to the
 5 inspection of officers of each member county and the public. Not later than the tenth day of each
 6 month the director of revenue shall distribute all moneys deposited in the trust fund during the
 7 preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer
 8 of each such district, and all expenditures of funds arising from the regional jail district sales tax trust
 9 fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by
 10 the commission. Expenditures may be made from the fund for any function authorized in the order
 11 adopted by the commission submitting the regional jail district tax to the voters.

12 6. The director of revenue may authorize the state treasurer to make refunds from the
 13 amounts in the trust fund and credited to any district for erroneous payments and overpayments
 14 made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any
 15 district abolishes the tax, the commission shall notify the director of revenue of the action at least
 16 ninety days prior to the effective date of the repeal, and the director of revenue may order retention
 17 in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such
 18 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
 19 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of
 20 abolition of the tax in such district, the director of revenue shall remit the balance in the account to
 21 the district and close the account of that district. The director of revenue shall notify each district in
 22 each instance of any amount refunded or any check redeemed from receipts due the district.

23 7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply
 24 to the tax imposed pursuant to this section.

25 8. The provisions of this section shall expire September 30, 2015.

26 238.235. 1. (1) Any transportation development district may by resolution impose a
 27 transportation development district sales tax on all retail sales made in such transportation
 28 development district which are subject to taxation pursuant to the provisions of sections 144.010 to
 29 144.525, except such transportation development district sales tax shall not apply to the sale or use of
 30 [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current,
 31 water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or
 32 long distance] fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to
 33 electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or
 34 transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile
 35 homes. Such transportation development district sales tax may be imposed for any transportation
 36 development purpose designated by the transportation development district in its ballot of
 37 submission to its qualified voters, except that no resolution enacted pursuant to the authority granted
 38 by this section shall be effective unless:

39 (a) The board of directors of the transportation development district submits to the qualified
 40 voters of the transportation development district a proposal to authorize the board of directors of the
 41 transportation development district to impose or increase the levy of an existing tax pursuant to the
 42 provisions of this section; or

43 (b) The voters approved the question certified by the petition filed pursuant to subsection 5
 44 of section 238.207.

45 (2) If the transportation district submits to the qualified voters of the transportation
 46 development district a proposal to authorize the board of directors of the transportation development
 47 district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of
 48 subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to,

the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers

1 a tax for the privilege of engaging in the business of selling tangible personal property or rendering
2 taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and
3 the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the
4 tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and
5 returned to and collected by the transportation development district.

6 3. [On and after the effective date of any tax imposed pursuant to this section, the director of
7 revenue shall perform all functions incident to the administration, collection, enforcement, and
8 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes
9 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to
10 this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be
11 collected together and reported upon such forms and pursuant to such administrative rules and
12 regulations as may be prescribed by the director of revenue.

13 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the
14 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision,
15 shall apply to the collection of the tax imposed by this section, except as modified in this section.

16 (2) All exemptions granted to agencies of government, organizations, persons and to the sale
17 of certain articles and items of tangible personal property and taxable services pursuant to the
18 provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and
19 collection of the tax imposed by this section.

20 (3) The same sales tax permit, exemption certificate and retail certificate required by
21 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy
22 the requirements of this section, and no additional permit or exemption certificate or retail certificate
23 shall be required; except that the transportation development district may prescribe a form of
24 exemption certificate for an exemption from the tax imposed by this section.

25 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for
26 the collection of and for payment of taxes pursuant to such laws are hereby allowed and made
27 applicable to any taxes collected pursuant to the provisions of this section.

28 (5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of
29 those sections are hereby made applicable to violations of this section.

30 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail
31 sales except retail sales of motor vehicles shall be deemed to be consummated at the place of
32 business of the retailer unless the tangible personal property sold is delivered by the retailer or the
33 retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state
34 destination. In the event a retailer has more than one place of business in this state which participates
35 in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where
36 the initial order for the tangible personal property is taken, even though the order must be forwarded
37 elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee
38 shall be deemed to be consummated at the place of business from which the employee works.

39 5.] All sales taxes received by the transportation development district shall be deposited by
40 the director of revenue in a special fund to be expended for the purposes authorized in this section.
41 The director of revenue shall keep accurate records of the amount of money which was collected
42 pursuant to this section, and the records shall be open to the inspection of officers of each
43 transportation development district and the general public.

44 [6.] 4. (1) No transportation development district imposing a sales tax pursuant to this
45 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
46 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
47 revenue bonds, notes or other obligations which it has issued or which have been issued by the
48 commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:
Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this

1 section unless and until another proposal to authorize the transit authority to impose the sales tax
2 authorized by this section has been submitted and such proposal is approved by a majority of the
3 qualified voters voting thereon.

4 3. All revenue received by the transit authority from the tax authorized under the provisions
5 of this section shall be deposited in a special trust fund and shall be used solely by the transit
6 authority for construction, purchase, lease, maintenance and operation of transportation facilities
7 located within the county for so long as the tax shall remain in effect. Any funds in such special trust
8 fund which are not needed for current expenditures may be invested by the transit authority in
9 accordance with applicable laws relating to the investment of county funds.

10 4. No transit authority imposing a sales tax pursuant to this section may repeal or amend
11 such sales tax unless such repeal or amendment is submitted to and approved by the voters of the
12 county in the same manner as provided in subsection 1 of this section for approval of such tax.
13 Whenever the governing body of any county in which a sales tax has been imposed in the manner
14 provided by this section receives a petition, signed by ten percent of the registered voters of such
15 county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the
16 governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed
17 under the provisions of this section. If a majority of the votes cast on the proposal by the registered
18 voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is
19 repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the
20 proposal to repeal the sales tax, then such sales tax shall remain in effect.

21 5. The sales tax imposed under the provisions of this section shall impose upon all sellers a
22 tax for the privilege of engaging in the business of selling tangible personal property or rendering
23 taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and
24 the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the
25 tax shall be the rate approved pursuant to this section. The amount reported and returned to the
26 director of revenue by the seller shall be computed on the basis of the combined rate of the tax
27 imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts
28 imposed under other provisions of law.

29 6. After the effective date of any tax imposed under the provisions of this section, the
30 director of revenue shall perform all functions incident to the administration, collection,
31 enforcement, and operation of the tax, and the director of revenue shall collect in addition to the
32 sales tax for the state of Missouri the additional tax authorized under the authority of this section.
33 The tax imposed under this section and the tax imposed under the sales tax law of the state of
34 Missouri shall be collected together and reported upon such forms and under such administrative
35 rules and regulations as may be prescribed by the director of revenue. In order to permit sellers
36 required to collect and report the sales tax to collect the amount required to be reported and remitted,
37 but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in
38 order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all
39 taxable transactions.

40 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state
41 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of
42 the tax imposed by this section, except as modified in this section. All exemptions granted to
43 agencies of government, organizations, persons and to the sale of certain articles and items of
44 tangible personal property and taxable services under the provisions of sections 144.010 to 144.525
45 are hereby made applicable to the imposition and collection of the tax imposed by this section. The
46 same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to
47 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of
48 this section, and no additional permit or exemption certificate or retail certificate shall be required;

1 except that the director of revenue may prescribe a form of exemption certificate for an exemption
2 from the tax imposed by this section. All discounts allowed the retailer under the provisions of the
3 state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby
4 allowed and made applicable to any taxes collected under the provisions of this section. The
5 penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections
6 are hereby made applicable to violations of this section.

7 8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be
8 deemed to be consummated at the place of business of the retailer, except for tangible personal
9 property sold which is delivered by the retailer or his agent to an out-of-state destination or to a
10 common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles,
11 trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the
12 event a retailer has more than one place of business in this state which participates in the sale, the
13 sale shall be deemed to be consummated at the place of business of the retailer where the initial order
14 for the tangible personal property is taken, even though the order must be forwarded elsewhere for
15 acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed
16 to be consummated at the place of business from which he works.

17 9.] All sales taxes collected by the director of revenue under this section on behalf of any
18 transit authority, less one percent for cost of collection which shall be deposited in the state's general
19 revenue fund after payment of premiums for surety bonds as provided in this section, shall be
20 deposited in the state treasury in a special trust fund, which is hereby created, to be known as the
21 "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales
22 tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
23 the state. The director of revenue shall keep accurate records of the amount of money in the trust
24 fund which was collected in each transit authority imposing a sales tax under this section, and the
25 records shall be open to the inspection of officers of the county and the public. Not later than the
26 tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund
27 during the preceding month to the transit authority which levied the tax.

28 [10.] 9. The director of revenue may authorize the state treasurer to make refunds from the
29 amounts in the trust fund and credited to any transit authority for erroneous payments and
30 overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts
31 deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit
32 authority shall notify the director of revenue of the action at least ninety days prior to the effective
33 date of the repeal and the director of revenue may order retention in the trust fund, for a period of
34 one year, of two percent of the amount collected after receipt of such notice to cover possible refunds
35 or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such
36 accounts. After one year has elapsed after the effective date of abolition of the tax in such transit
37 authority, the director of revenue shall authorize the state treasurer to remit the balance in the
38 account to the transit authority and close the account of that transit authority. The director of
39 revenue shall notify each transit authority of each instance of any amount refunded or any check
40 redeemed from receipts due the transit authority. The director of revenue shall annually report on his
41 management of the trust fund and administration of the sales taxes authorized by this section. He
42 shall provide each transit authority imposing the tax authorized by this section with a detailed
43 accounting of the source of all funds received by him for the transit authority.

44 [11.] 10. The director of revenue and any of his deputies, assistants and employees who shall
45 have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal,
46 disbursement, safekeeping, accounting, or recording of funds which come into the hands of the
47 director of revenue under the provisions of this section shall enter a surety bond or bonds payable to
48 any and all transit authorities in whose behalf such funds have been collected under this section in

the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] 11. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

[13.] 12. In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] 13. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15.] 14. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

[16.] 14. In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all

1 other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the
 2 provisions of this section and section 644.033 shall be effective unless the governing body of the
 3 municipality or county submits to the voters of the municipality or county, at a municipal, county or
 4 state general, primary or special election, a proposal to authorize the governing body of the
 5 municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be
 6 imposed on the sales of food, as defined in section 144.014, when imposed by any county with a
 7 charter form of government and with more than one million inhabitants].

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

9 Shall the municipality (county) of impose a sales tax of (insert amount) for
 10 the purpose of providing funding for (insert either storm water control, or local parks, or
 11 storm water control and local parks) for the municipality (county)?

12 ☐ YES

12 ☐ NO

13
 14 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 15 the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first
 16 day of the second quarter after the director of revenue receives notice of adoption of the tax. If a
 17 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
 18 governing body of the municipality or county shall not impose the sales tax authorized in this section
 19 and section 644.033 until the governing body of the municipality or county resubmits another
 20 proposal to authorize the governing body of the municipality or county to impose the sales tax
 21 authorized by this section and section 644.033 and such proposal is approved by a majority of the
 22 qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and
 23 section 644.033 be submitted to the voters sooner than twelve months from the date of the last
 24 proposal pursuant to this section and section 644.033.

25 3. All revenue received by a municipality or county from the tax authorized under the
 26 provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be
 27 used to provide funding for storm water control or for local parks, or both, within such municipality
 28 or county, provided that such revenue may be used for local parks outside such municipality or
 29 county if the municipality or county is engaged in a cooperative agreement pursuant to section
 30 70.220.

31 4. Any funds in such special trust fund which are not needed for current expenditures may be
 32 invested by the governing body in accordance with applicable laws relating to the investment of
 33 other municipal or county funds.

34
 35 “[66.601. The duties of the director of revenue with respect to the allocation, division
 36 and distribution of sales and use tax proceeds determined to be due any county of the
 37 first classification having a charter form of government and having a population of
 38 nine hundred thousand or more inhabitants and all municipalities within such county,
 39 resulting from taxes levied or imposed under the authority of sections 66.600 to
 40 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the
 41 county levying the county sales tax under sections 66.600 to 66.630, at the discretion
 42 of the director of revenue and with the consent of the county. Notwithstanding the
 43 provisions of section 32.057 to the contrary, if such duties are so assigned, the
 44 director of revenue shall furnish the county with sufficient information to perform
 45 such duties in such form as may be agreed upon by the director and the county at no
 46 cost to the county. The county shall be bound by the provisions of section 32.057,
 47 and shall use any information provided by the director of revenue under the
 48 provisions of this section solely for the purpose of allocating, dividing and

1 distributing such sales and use tax revenues. The county shall exercise all of the
 2 director's powers and duties with respect to such allocation, division and distribution,
 3 and shall receive no fee for carrying out such powers and duties.]"

4
 5 [67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the
 6 tax imposed pursuant to section 67.1712 all sales of food as defined by section
 7 144.014.]"

8
 9 [67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959
 10 shall have their liability reduced by an amount equal to twenty-five percent of any
 11 taxes collected and remitted pursuant to sections 94.802 to 94.805.]

12
 13 [144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be
 14 deemed to be consummated at the address of the owner thereof, and all leases of over
 15 sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to
 16 sales taxes under this chapter shall be deemed to be consummated unless the vehicle,
 17 trailer, boat or motor has been registered and sales taxes have been paid prior to the
 18 consummation of the lease agreement at the address of the lessee thereof on the date
 19 the lease is consummated, and all applicable sales taxes levied by any political
 20 subdivision shall be collected on such sales by the state department of revenue on that
 21 basis.]

22
 23 [144.517. In addition to the exemptions granted pursuant to section 144.030, there
 24 shall also be exempted from state sales and use taxes all sales of textbooks, as defined
 25 by section 170.051, when such textbook is purchased by a student who possesses
 26 proof of current enrollment at any Missouri public or private university, college or
 27 other postsecondary institution of higher learning offering a course of study leading to
 28 a degree in the liberal arts, humanities or sciences or in a professional, vocational or
 29 technical field, provided that the books which are exempt from state sales tax are
 30 those required or recommended for a class. Upon request the institution or
 31 department must provide at least one list of textbooks to the bookstore each semester.
 32 Alternately, the student may provide to the bookstore a list from the instructor,
 33 department or institution of his or her required or recommended textbooks. This
 34 exemption shall not apply to any locally imposed sales or use tax.]

35
 36 [144.605. The following words and phrases as used in sections 144.600 to 144.745
 37 mean and include:

38 (1) "Calendar quarter", the period of three consecutive calendar months
 39 ending on March thirty-first, June thirtieth, September thirtieth or December
 40 thirty-first;

41 (2) "Engages in business activities within this state" includes:

42 (a) Purposefully or systematically exploiting the market provided by this state
 43 by any media-assisted, media-facilitated, or media-solicited means, including, but not
 44 limited to, direct mail advertising, distribution of catalogs, computer-assisted
 45 shopping, telephone, television, radio, or other electronic media, or magazine or
 46 newspaper advertisements, or other media; or

47 (b) Being owned or controlled by the same interests which own or control any
 48 seller engaged in the same or similar line of business in this state; or

1 (c) Maintaining or having a franchisee or licensee operating under the seller's
2 trade name in this state if the franchisee or licensee is required to collect sales tax
3 pursuant to sections 144.010 to 144.525; or

4 (d) Soliciting sales or taking orders by sales agents or traveling
5 representatives;

6 (3) "Maintains a place of business in this state" includes maintaining,
7 occupying, or using, permanently or temporarily, directly or indirectly, or through a
8 subsidiary, or agent, by whatever name called, an office, place of distribution, sales or
9 sample room or place, warehouse or storage place, or other place of business;

10 (4) "Person", any individual, firm, copartnership, joint venture, association,
11 corporation, municipal or private, and whether organized for profit or not, state,
12 county, political subdivision, state department, commission, board, bureau or agency,
13 except the state transportation department, estate, trust, business trust, receiver or
14 trustee appointed by the state or federal court, syndicate, or any other group or
15 combination acting as a unit, and the plural as well as the singular number;

16 (5) "Purchase", the acquisition of the ownership of, or title to, tangible
17 personal property, through a sale, as defined herein, for the purpose of storage, use or
18 consumption in this state;

19 (6) "Purchaser", any person who is the recipient for a valuable consideration
20 of any sale of tangible personal property acquired for use, storage or consumption in
21 this state;

22 (7) "Sale", any transfer, barter or exchange of the title or ownership of
23 tangible personal property, or the right to use, store or consume the same, for a
24 consideration paid or to be paid, and any transaction whether called leases, rentals,
25 bailments, loans, conditional sales or otherwise, and notwithstanding that the title or
26 possession of the property or both is retained for security. For the purpose of this law
27 the place of delivery of the property to the purchaser, user, storer or consumer is
28 deemed to be the place of sale, whether the delivery be by the vendor or by common
29 carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers,
30 representatives, consignors, peddlers, canvassers or otherwise;

31 (8) "Sales price", the consideration including the charges for services, except
32 charges incident to the extension of credit, paid or given, or contracted to be paid or
33 given, by the purchaser to the vendor for the tangible personal property, including any
34 services that are a part of the sale, valued in money, whether paid in money or
35 otherwise, and any amount for which credit is given to the purchaser by the vendor,
36 without any deduction therefrom on account of the cost of the property sold, the cost
37 of materials used, labor or service cost, losses or any other expenses whatsoever,
38 except that cash discounts allowed and taken on sales shall not be included and "sales
39 price" shall not include the amount charged for property returned by customers upon
40 rescission of the contract of sales when the entire amount charged therefor is refunded
41 either in cash or credit or the amount charged for labor or services rendered in
42 installing or applying the property sold, the use, storage or consumption of which is
43 taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax
44 due pursuant to sections 144.600 to 144.745, any charge incident to the extension of
45 credit shall be specifically exempted;

46 (9) "Selling agent", every person acting as a representative of a principal,
47 when such principal is not registered with the director of revenue of the state of
48 Missouri for the collection of the taxes imposed pursuant to sections 144.010 to

1 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of
 2 the sale of tangible personal property of the principal, if such property is to be stored,
 3 used, or consumed in this state;

4 (10) "Storage", any keeping or retention in this state of tangible personal
 5 property purchased from a vendor, except property for sale or property that is
 6 temporarily kept or retained in this state for subsequent use outside the state;

7 (11) "Tangible personal property", all items subject to the Missouri sales tax
 8 as provided in subdivisions (1) and (3) of section 144.020;

9 (12) "Taxpayer", any person remitting the tax or who should remit the tax
 10 levied by sections 144.600 to 144.745;

11 (13) "Use", the exercise of any right or power over tangible personal property
 12 incident to the ownership or control of that property, except that it does not include
 13 the temporary storage of property in this state for subsequent use outside the state, or
 14 the sale of the property in the regular course of business;

15 (14) "Vendor", every person engaged in making sales of tangible personal
 16 property by mail order, by advertising, by agent or peddling tangible personal
 17 property, soliciting or taking orders for sales of tangible personal property, for
 18 storage, use or consumption in this state, all salesmen, solicitors, hawkers,
 19 representatives, consignees, peddlers or canvassers, as agents of the dealers,
 20 distributors, consignors, supervisors, principals or employers under whom they
 21 operate or from whom they obtain the tangible personal property sold by them, and
 22 every person who maintains a place of business in this state, maintains a stock of
 23 goods in this state, or engages in business activities within this state and every person
 24 who engages in this state in the business of acting as a selling agent for persons not
 25 otherwise vendors as defined in this subdivision. Irrespective of whether they are
 26 making sales on their own behalf or on behalf of the dealers, distributors, consignors,
 27 supervisors, principals or employers, they must be regarded as vendors and the
 28 dealers, distributors, consignors, supervisors, principals or employers must be
 29 regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall
 30 not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of
 31 the following apply:

32 (a) The person's total gross receipts did not exceed five hundred thousand
 33 dollars in this state, or twelve and one-half million dollars in the entire United States,
 34 in the immediately preceding calendar year;

35 (b) The person maintains no place of business in this state; and

36 (c) The person has no selling agents in this state.]

37
 38 [144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the
 39 "Simplified Sales and Use Tax Administration Act".]; and

40
 41 [144.1003. As used in sections 144.1000 to 144.1015, the following terms shall
 42 mean:

43 (1) "Agreement", the streamlined sales and use tax agreement;

44 (2) "Certified automated system", software certified jointly by the states that are
 45 signatories to the agreement to calculate the tax imposed by each jurisdiction on a
 46 transaction, determine the amount of tax to remit to the appropriate state and maintain
 47 a record of the transaction;

48 (3) "Certified service provider", an agent certified jointly by the states that are

- signatories to the agreement to perform all of the seller's sales tax functions;
- (4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;
- (5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;
- (6) "Seller", any person making sales, leases or rentals of personal property or services;
- (7) "State", any state of the United States and the District of Columbia;
- (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

(1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;

(2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;

(3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes

1 allowed by statutes effective after August 28, 2002, may be supported;
2 (4) Provides for adoption of any uniform rate structure that would result in a tax
3 increase for any Missouri taxpayer;
4 (5) Affects the sourcing of sales tax transactions; or
5 (6) Prohibits limitations or thresholds on the application of sales and use tax rates or
6 prohibits any current sales or use tax exemption in the state of Missouri, including
7 exemptions that are based on the value of the transaction or item.]
8

9 [144.1015. In addition to the requirements of section 144.1012, the delegates should
10 consider the following features when deciding whether or not to enter into any
11 streamlined sales and use tax agreement:

- 12 (1) The agreement should address the limitation of the number of state rates over
13 time;
14 (2) The agreement should establish uniform standards for administration of exempt
15 sales and the form used for filing sales and use tax returns and remittances;
16 (3) The agreement should require the state to provide a central, electronic registration
17 system that allows a seller to register to collect and remit sales and use taxes for all
18 signatory states;
19 (4) The agreement should provide that registration with the central registration
20 system and the collection of sales and use taxes in the signatory states will not be used
21 as a factor in determining whether the seller has nexus with a state for any tax;
22 (5) The agreement should provide for reduction of the burdens of complying with
23 local sales and use taxes through the following so long as they do not conflict with the
24 provisions of section 144.1012:
25 (a) Restricting variances between the state and local tax bases;
26 (b) Requiring states to administer any sales and use taxes levied by local jurisdictions
27 within the state so that sellers collecting and remitting these taxes will not have to
28 register or file returns with, remit funds to, or be subject to independent audits from
29 local taxing jurisdictions;
30 (c) Restricting the frequency of changes in the local sales and use tax rates and
31 setting effective dates for the application of local jurisdictional boundary changes to
32 local sales and use taxes; and
33 (d) Providing notice of changes in local sales and use tax rates and of changes in the
34 boundaries of local taxing jurisdictions;
35 (6) The agreement should outline any monetary allowances that are to be provided by
36 the states to sellers or certified service providers. The agreement must allow for a
37 joint public and private sector study of the compliance cost on sellers and certified
38 service providers to collect sales and use taxes for state and local governments under
39 various levels of complexity to be completed by July 1, 2003;
40 (7) The agreement should require each state to certify compliance with the terms of
41 the agreement prior to joining and to maintain compliance, under the laws of the
42 member state, with all provisions of the agreement while a member, only if the
43 agreement and any amendment thereto complies with the provisions of section
44 144.1012;
45 (8) The agreement should require each state to adopt a uniform policy for certified
46 service providers that protects the privacy of consumers and maintains the
47 confidentiality of tax information; and
48 (9) The agreement should provide for the appointment of an advisory council of

1 private sector representatives and an advisory council of nonmember state
2 representatives to consult with in the administration of the agreement.}"; and
3

4 Further amend said bill, Page 38, Section B, Line 5, by inserting after all of said
5 section the following:
6

7 "Section C. The provisions of the streamlined sales and use tax agreement act shall become
8 effective January 1, 2015."; and
9

10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.
12
13