

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 674, Page 39,
2 Section 143.471, Line 146, by inserting immediately after all of said section and line the following:

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

11 2. There are also specifically exempted from the provisions of the local sales tax law as
12 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
13 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as
14 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
15 144.745:

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

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

36 (3) Materials, replacement parts and equipment purchased for use directly upon, and for the

Action Taken _____ Date _____

1 repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or
2 aircraft engaged as common carriers of persons or property;

3 (4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled
4 by such motor vehicles, that are actually used in the normal course of business to haul property on
5 the public highways of the state, and that are capable of hauling loads commensurate with the motor
6 vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use
7 directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of
8 this subdivision, motor vehicle and public highway shall have the meaning as ascribed in section
9 390.020;

10 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
11 required for the installation or construction of such replacement machinery, equipment, and parts,
12 used directly in manufacturing, mining, fabricating or producing a product which is intended to be
13 sold ultimately for final use or consumption; and machinery and equipment, and the materials and
14 supplies required solely for the operation, installation or construction of such machinery and
15 equipment, purchased and used to establish new, or to replace or expand existing, material recovery
16 processing plants in this state. For the purposes of this subdivision, a "material recovery processing
17 plant" means a facility that has as its primary purpose the recovery of materials into a usable product
18 or a different form which is used in producing a new product and shall include a facility or
19 equipment which are used exclusively for the collection of recovered materials for delivery to a
20 material recovery processing plant but shall not include motor vehicles used on highways. For
21 purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant
22 to section 301.010. For the purposes of this subdivision, subdivision (6) of this subsection, and
23 section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the
24 term "product" includes telecommunications services and the term "manufacturing" shall include the
25 production, or production and transmission, of telecommunications service. The preceding sentence
26 does not make a substantive change in the law and is intended to clarify that the term
27 "manufacturing" has included and continues to include the production and transmission of
28 "telecommunications service", as enacted in this subdivision and subdivision (6) of this subsection,
29 as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two
30 sentences reaffirm legislative intent consistent with the interpretation of this subdivision and
31 subdivision (6) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d
32 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo.
33 banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those
34 exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the
35 extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78
36 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d
37 226 (Mo. banc 2005). Material recovery is not the reuse of materials within a manufacturing
38 process or the use of a product previously recovered. The material recovery processing plant shall
39 qualify under the provisions of this section regardless of ownership of the material being recovered;

40 (6) Machinery and equipment, and parts and the materials and supplies solely required for
41 the installation or construction of such machinery and equipment, purchased and used to establish
42 new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery
43 and equipment is used directly in manufacturing, mining or fabricating a product which is intended
44 to be sold ultimately for final use or consumption;

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

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

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

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

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

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

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

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

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

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

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

35 (18) All amounts paid or charged for admission or participation or other fees paid by or
36 other charges to individuals in or for any place of amusement, entertainment or recreation, games or
37 athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
38 municipality or other political subdivision where all the proceeds derived therefrom benefit the
39 municipality or other political subdivision and do not inure to any private person, firm, or
40 corporation, provided, however, that a municipality or other political subdivision may enter into
41 revenue-sharing agreements with private persons, firms, or corporations providing goods or
42 services, including management services, in or for the place of amusement, entertainment or
43 recreation, games or athletic events, and provided further that nothing in this subdivision shall
44 exempt from tax any amounts retained by any private person, firm, or corporation under such
45 revenue-sharing agreement;

46 (19) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical
47 equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal
48 Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items

1 specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing
2 aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only
3 upon a lawful prescription of a practitioner licensed to administer those items, including samples
4 and materials used to manufacture samples which may be dispensed by a practitioner authorized to
5 dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and
6 accessories including parts, and hospital beds and accessories and ambulatory aids including parts,
7 and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille
8 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
9 one or more physical or mental disabilities to enable them to function more independently, all sales
10 or rental of scooters including parts, and reading machines, electronic print enlargers and
11 magnifiers, electronic alternative and augmentative communication devices, and items used solely
12 to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or
13 sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs
14 required by the Food and Drug Administration to meet the over-the-counter drug product labeling
15 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed
16 to prescribe;

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

20 (21) All sales of aircraft to common carriers for storage or for use in interstate commerce
21 and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including
22 fraternal organizations which have been declared tax-exempt organizations pursuant to Section
23 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable
24 functions and activities and all sales made to eleemosynary and penal institutions and industries of
25 the state, and all sales made to any private not-for-profit institution of higher education not
26 otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher
27 education supported by public funds, and all sales made to a state relief agency in the exercise of
28 relief functions and activities;

29 (22) All ticket sales made by benevolent, scientific and educational associations which are
30 formed to foster, encourage, and promote progress and improvement in the science of agriculture
31 and in the raising and breeding of animals, and by nonprofit summer theater organizations if such
32 organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code
33 and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county
34 agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

35 (23) All sales made to any private not-for-profit elementary or secondary school, all sales of
36 feed additives, medications or vaccines administered to livestock or poultry in the production of
37 food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or
38 fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of
39 propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops,
40 natural gas used in the primary manufacture or processing of fuel ethanol as defined in section
41 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an
42 eligible new generation processing entity as defined in section 348.432, and all sales of farm
43 machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges
44 on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal
45 property which, when mixed with feed for livestock or poultry, is to be used in the feeding of
46 livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as
47 crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or
48 enhance the effect of a pesticide and the foam used to mark the application of pesticides and

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

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

14 (24) Except as otherwise provided in section 144.032, all sales of metered water service,
15 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for
16 domestic use and in any city not within a county, all sales of metered or unmetered water service for
17 domestic use:

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

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

36 (c) Each person making domestic use purchases of services or property and who uses any
37 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of
38 the fourth month following the year of purchase, and without assessment, notice or demand, file a
39 return and pay sales tax on that portion of nondomestic purchases. Each person making
40 nondomestic purchases of services or property and who uses any portion of the services or property
41 so purchased for domestic use, and each person making domestic purchases on behalf of occupants
42 of residential apartments or condominiums through a single or master meter, including service for
43 common areas and facilities and vacant units, under a nonresidential utility service rate
44 classification may, between the first day of the first month and the fifteenth day of the fourth month
45 following the year of purchase, apply for credit or refund to the director of revenue and the director
46 shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The
47 person making such purchases on behalf of occupants of residential apartments or condominiums
48 shall have standing to apply to the director of revenue for such credit or refund;

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

4 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081,
5 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue
6 shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such
7 excise taxes;

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

13 (28) All sales made to an interstate compact agency created pursuant to sections 70.370 to
14 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency
15 as provided pursuant to the compact;

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

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

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

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

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

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

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

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

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

1 contract for the purpose of constructing, repairing or remodeling facilities for the following:

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

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

7 (38) All sales or other transfers of tangible personal property to a lessor who leases the
8 property under a lease of one year or longer executed or in effect at the time of the sale or other
9 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
10 238.010 to 238.100;

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

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

20 (41) All materials, replacement parts, and equipment purchased for use directly upon, and
21 for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and
22 aircraft accessories;

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

27 (43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as
28 defined in section 306.010;

29 (44) Any new or used aircraft sold or delivered in this state to a person who is not a resident
30 of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based
31 in this state and shall not remain in this state more than ten business days subsequent to the last to
32 occur of:

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

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

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

42 (a) "Direct costs", costs incurred by a governmental authority solely because of an internet
43 service provider's use of the public right-of-way. The term shall not include costs that the
44 governmental authority would have incurred if the internet service provider did not make such use
45 of the public right-of-way. Direct costs shall be determined in a manner consistent with generally
46 accepted accounting principles;

47 (b) "Internet", computer and telecommunications facilities, including equipment and
48 operating software, that comprises the interconnected worldwide network that employ the

1 transmission control protocol or internet protocol, or any predecessor or successor protocols to that
 2 protocol, to communicate information of all kinds by wire or radio;

3 (c) "Internet access", a service that enables users to connect to the internet to access content,
 4 information, or other services without regard to whether the service is referred to as
 5 telecommunications, communications, transmission, or similar services, and without regard to
 6 whether a provider of the service is subject to regulation by the Federal Communications
 7 Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this
 8 subdivision, internet access also includes: the purchase, use, or sale of communications services,
 9 including telecommunications services as defined in section 144.010, to the extent the
 10 communications services are purchased, used, or sold to provide the service described in this
 11 subdivision or to otherwise enable users to access content, information, or other services offered
 12 over the internet; services that are incidental to the provision of a service described in this
 13 subdivision, when furnished to users as part of such service, including a home page, electronic mail,
 14 and instant messaging, including voice-capable and video-capable electronic mail and instant
 15 messaging, video clips, and personal electronic storage capacity; a home page electronic mail and
 16 instant messaging, including voice-capable and video-capable electronic mail and instant messaging,
 17 video clips, and personal electronic storage capacity that are provided independently or that are not
 18 packed with internet access. As used in this subdivision, internet access does not include voice,
 19 audio, and video programming or other products and services, except services described in this
 20 paragraph or this subdivision, that use internet protocol or any successor protocol and for which
 21 there is a charge, regardless of whether the charge is separately stated or aggregated with the charge
 22 for services described in this paragraph or this subdivision;

23 (d) "Tax", any charge imposed by the state or a political subdivision of the state for the
 24 purpose of generating revenues for governmental purposes and that is not a fee imposed for a
 25 specific privilege, service, or benefit conferred, except as described as otherwise under this
 26 subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political
 27 subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a
 28 governmental entity. The term tax shall not include any franchise fee or similar fee imposed or
 29 authorized under section 67.1830 or 67.2689; Section 622 or 653 of the Communications Act of
 30 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of
 31 telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq.,
 32 except to the extent that:

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

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

40 Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services
 41 that were subject to tax on January 1, 2016.

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

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

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030. For the purposes of this section, the term "product" shall include telecommunications services and the term "manufacturing" or "producing" shall include the production, or the production and transmission, of telecommunications services.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section

1 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the
2 tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and
3 section 238.235, and the local sales tax law as defined in section 32.085, all materials, manufactured
4 goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water,
5 coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and
6 other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and
7 sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at
8 least sixty thousand pounds per week."; and
9

10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.