

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Bill No. 21, Page 4, Section 8.177, Line 21, by inserting  
2 after said section and line the following:

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

6 2. (1) Beginning the effective date of this act, all revenue generated under the streamlined  
7 sales and use tax agreement act that exceeds the amount of revenue that would have been collected  
8 if the streamlined sales and use tax agreement act were not effective shall be deposited in the  
9 streamlined sales and use tax agreement special fund created in this section and appropriated solely  
10 for the approved purposes. The department of revenue shall track and report the collections  
11 generated under this act.

12 (2) There is hereby created in the state treasury the "Streamlined Sales and Use Tax  
13 Agreement Special Fund", which shall consist of moneys collected under this subsection. The state  
14 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state  
15 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,  
16 moneys in the fund shall be transferred only to pay for outstanding transportation bond debt.  
17 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund  
18 at the end of the biennium shall not revert to the credit of the general revenue fund. The state  
19 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any  
20 interest and moneys earned on such investments shall be credited to the fund.

21 3. The director of revenue shall enter into the streamlined sales and use tax agreement with  
22 one or more states to simplify and modernize sales and use tax administration in order to  
23 substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In  
24 furtherance of the streamlined sales and use tax agreement, the director of revenue may act jointly  
25 with other states that are members of the streamlined sales and use tax agreement to establish  
26 standards for certification of a certified service provider and certified automated system and  
27 establish performance standards for multistate sellers.

28 4. The director of revenue may take other actions reasonably required to implement the  
29 provisions set forth in the streamlined sales and use tax agreement act including, but not limited to,  
30 the promulgation of rules and the joint procurement, with other member states, of goods and  
31 services in furtherance of the streamlined sales and use tax agreement.

32 5. For the purposes of representing the state as a member of the agreement and, if necessary,  
33 amending the agreement, three delegates shall represent the state: one of whom is appointed by the  
34 governor, one of whom is a member of the general assembly appointed by mutual agreement of the  
35 president pro tempore of the senate and the speaker of the house of representatives, and one of  
36 whom is the director of revenue or the director's designee. Each year, the delegates shall

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recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives 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 agreement.

6. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2020, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If the provisions of this section are reauthorized, the provisions of this section shall automatically sunset five years after the effective date of the reauthorization of this section; and

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

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department of revenue and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenue and shall remit the remaining amounts collected to the political jurisdiction or taxing district, less any credits for erroneous payments, overpayments, and dishonored checks.

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

2. Any local sales tax so adopted shall become effective ~~[on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except]~~ as provided in subsection ~~[48]~~ 19 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and 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. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

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

~~5.]~~ (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in ~~[sections 144.010 to 144.525]~~ chapter 144, and the rules and

1 regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be  
 2 the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes  
 3 imposed under the provisions of the local sales tax law.

4 (2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions,  
 5 except those in which voters have previously approved a local use tax under section 144.757, shall  
 6 have placed on the ballot on or after the general election in November 2014, but no later than the  
 7 general election in November 2022, whether to repeal application of the local sales tax to the titling  
 8 of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under  
 9 section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot  
 10 question presented to the local voters shall contain substantially the following language:

11 Shall the \_\_\_\_\_ (local jurisdiction's name) discontinue applying and  
 12 collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that  
 13 were purchased from a source other than a licensed Missouri dealer?  
 14

15 Approval of this measure will result in a reduction of local revenue to provide for vital services for  
 16 \_\_\_\_\_ (local jurisdiction's name) and it will place Missouri dealers of motor  
 17 vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers  
 18 of motor vehicles, outboard motors, boats, and trailers.

19 ☐ YES ☐ NO  
 20

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

23 (3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of  
 24 the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot  
 25 question before the voters on or before the general election in November 2022, the local taxing  
 26 jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats,  
 27 and outboard motors that were purchased from a source other than a licensed Missouri dealer.

28 (4) In addition to the requirement that the ballot question set forth in subdivision (2) of this  
 29 subsection be placed before the voters, the governing body of any local taxing jurisdiction that had  
 30 previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors  
 31 may, at any time, place a proposal on the ballot at any election to repeal application of the local sales  
 32 tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source  
 33 other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting  
 34 thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then  
 35 the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and  
 36 outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the  
 37 votes cast by the registered voters voting thereon are opposed to the proposal to repeal application  
 38 of the local sales tax to such titling, such application shall remain in effect.

39 (5) In addition to the requirement that the ballot question set forth in subdivision (2) of this  
 40 subsection be placed before the voters on or after the general election in November 2014, and on or  
 41 before the general election in November 2022, whenever the governing body of any local taxing  
 42 jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard  
 43 motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction  
 44 voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any  
 45 election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and  
 46 outboard motors purchased from a source other than a licensed Missouri dealer, the governing body  
 47 shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to  
 48 such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the  
 49 proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no

longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect ~~[on the first day of the second calendar quarter after the election]~~ as provided in subsection 19 of this section. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election ~~[pursuant to]~~ under subdivision (2) of this subsection, such cessation shall take effect on March 1, 2023.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2022, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ 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".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed ~~[on the first day of the second calendar quarter after the election]~~ as provided in subsection 19 of this section.

~~[6-]~~ 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes 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-]~~ 6. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ chapter 144 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to

1 the collection of any local sales tax imposed under the local sales tax law except as modified by the  
2 local sales tax law.

3 ~~[8-]~~ 7. All exemptions granted to agencies of government, organizations, persons and to the  
4 sale of certain articles and items of tangible personal property and taxable services under ~~[the~~  
5 ~~provisions of sections 144.010 to 144.525]~~ chapter 144, as these sections now read and as they may  
6 hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax  
7 exemptions granted from the state sales tax law also be granted under the local sales tax law, are  
8 hereby made applicable to the imposition and collection of all local sales taxes imposed under the  
9 local sales tax law.

10 ~~[9-]~~ 8. The same sales tax permit, exemption certificate and retail certificate required ~~[by~~  
11 ~~sections 144.010 to 144.525]~~ under chapter 144 for the administration and collection of the state  
12 sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or  
13 exemption certificate or retail certificate shall be required; except that the director of revenue may  
14 prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the  
15 local sales tax law.

16 ~~[10-]~~ 9. All discounts allowed the retailer under the provisions of the state sales tax law for  
17 the collection of and for payment of taxes under the provisions of the state sales tax law are hereby  
18 allowed and made applicable to any local sales tax collected under the provisions of the local sales  
19 tax law.

20 ~~[11-]~~ 10. The penalties provided in section 32.057 and ~~[sections 144.010 to 144.525]~~  
21 chapter 144 for a violation of the provisions of those sections are hereby made applicable to  
22 violations of the provisions of the local sales tax law.

23 ~~[12- (1)]~~ 11. For the purposes of any local sales tax imposed by an ordinance or order  
24 under the local sales tax law, all sales~~], except the sale of motor vehicles, trailers, boats, and~~  
25 ~~outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be~~  
26 ~~consummated at the place of business of the retailer unless the tangible personal property sold is~~  
27 ~~delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more~~  
28 ~~than one place of business in this state which participates in the sale, the sale shall be deemed to be~~  
29 ~~consummated at the place of business of the retailer where the initial order for the tangible personal~~  
30 ~~property is taken, even though the order must be forwarded elsewhere for acceptance, approval of~~  
31 ~~credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be~~  
32 ~~consummated at the place of business from which he works.~~

33 ~~—— (2) For the purposes of any local sales tax imposed by an ordinance or order under the local~~  
34 ~~sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors~~  
35 ~~shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to~~  
36 ~~that local taxing entity, and not at the place of business of the retailer, or the place of business from~~  
37 ~~which the retailer's agent or employee works.~~

38 ~~—— (3) For the purposes of any local tax imposed by an ordinance or under the local sales tax~~  
39 ~~law on charges for mobile telecommunications services, all taxes of mobile telecommunications~~  
40 ~~service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C.~~  
41 ~~Sections 116 through 124, as amended]~~ shall be sourced as provided by sections 144.111 to 144.114.

42 ~~[13-]~~ 12. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers,  
43 boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be  
44 collected from the purchaser by the director of revenue at the time application is made for a  
45 certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax  
46 under the local sales tax law.

47 ~~[14-]~~ 13. The director of revenue and any of his deputies, assistants and employees who  
48 have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal,  
49 disbursement, safekeeping, accounting, or recording of funds which come into the hands of the

1 director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds  
 2 payable to any and all taxing entities in whose behalf such funds have been collected under the local  
 3 sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of  
 4 revenue may enter into a blanket bond covering himself and all such deputies, assistants and  
 5 employees. The cost of any premium for such bonds shall be paid by the director of revenue from  
 6 the share of the collections under the sales tax law retained by the director of revenue for the benefit  
 7 of the state.

8 ~~[15.]~~ 14. The director of revenue shall annually report on his management of each trust  
 9 fund which is created under the local sales tax law and administration of each local sales tax  
 10 imposed under the local sales tax law. He shall provide each taxing entity imposing one or more  
 11 local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all  
 12 funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state  
 13 auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be  
 14 forwarded to each taxing entity imposing one or more local sales taxes.

15 ~~[16.]~~ 15. Within the boundaries of any taxing entity where one or more local sales taxes  
 16 have been imposed, if any person is delinquent in the payment of the amount required to be paid by  
 17 him under the local sales tax law or in the event a determination has been made against him for  
 18 taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of  
 19 the delinquent tax and penalty shall be the same as that provided in ~~[sections 144.010 to 144.525]~~  
 20 chapter 144. Where the director of revenue has determined that suit must be filed against any  
 21 person for the collection of delinquent taxes due the state under the state sales tax law, and where  
 22 such person is also delinquent in payment of taxes under the local sales tax law, the director of  
 23 revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of  
 24 any local sales tax due so that appropriate action may be taken by the taxing entity.

25 ~~[17.]~~ 16. Where property is seized by the director of revenue under the provisions of any  
 26 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax  
 27 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax  
 28 imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in  
 29 any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity  
 30 under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the  
 31 state, and the remainder, if any, shall be applied to all sums due such taxing entity.

32 ~~[18.]~~ 17. If a local sales tax has been in effect for at least one year under the provisions of  
 33 the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at  
 34 an election as provided for in the local sales tax law prior to the date such tax is due to expire, the  
 35 tax so reimposed shall become effective ~~[the first day of the first calendar quarter after the director~~  
 36 ~~receives a certified copy of the ordinance, order or resolution accompanied by a map clearly~~  
 37 ~~showing the boundaries thereof and the results of such election, provided that such ordinance, order~~  
 38 ~~or resolution and all necessary accompanying materials are received by the director at least thirty~~  
 39 ~~days prior to the expiration of such tax]~~ as provided by subsection 19 of this section. Any  
 40 administrative cost or expense incurred by the state as a result of the provisions of this subsection  
 41 shall be paid by the city or county reimposing such tax.

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

19. (1) The effective date for the imposition, repeal, or rate change of each local sales and use tax is the first day of the calendar quarter after a minimum of one hundred twenty days' notice to sellers. In all cases where notice is required to be made to the director of revenue by a local taxing jurisdiction, such notice shall be made at least one hundred twenty days prior to the effective date for the imposition, repeal, or rate change of a local sales and use tax.

(2) The effective date for any local jurisdiction boundary change for sales and use tax purposes is the first day of the calendar quarter after a minimum of one hundred twenty days' notice to sellers.

20. (1) For a rate increase, the new rate shall apply to the first billing period starting on or after the effective date;

(2) For a rate decrease, the new rate shall apply to bills rendered on or after the effective date."; and

Further amend said bill, Section 32.303, Page 5, Line 27, by inserting after said section and line the following:

"66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 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 in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". ~~[The moneys in the 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 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 treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

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

1 provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax  
2 and shall also include all unincorporated areas of the county which levied the tax.

3 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and  
4 villages in group A the taxes based on the location in which the sales were deemed consummated  
5 under section 66.630 and subsection [42] 11 of section 32.087. Except for distribution governed by  
6 section 66.630, after deducting the distribution to the cities, towns and villages in group A, the  
7 director of revenue shall distribute the remaining funds in the county sales tax trust fund to the  
8 cities, towns and villages and the county in group B as follows: to the county which levied the tax, a  
9 percentage of the distributable revenue equal to the percentage ratio that the population of the  
10 unincorporated areas of the county bears to the total population of group B; and to each city, town or  
11 village in group B located wholly within the taxing county, a percentage of the distributable revenue  
12 equal to the percentage ratio that the population of such city, town or village bears to the total  
13 population of group B; and to each city, town or village located partly within the taxing county, a  
14 percentage of the distributable revenue equal to the percentage ratio that the population of that part  
15 of the city, town or village located within the taxing county bears to the total population of group B.

16 4. From January 1, 1994, until December 31, 2016, the director of revenue shall distribute to  
17 the cities, towns and villages in group A a portion of the taxes based on the location in which the  
18 sales were deemed consummated under section 66.630 and subsection [42] 11 of section 32.087 in  
19 accordance with the formula described in this subsection and in subsection 6. After deducting the  
20 distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds  
21 in the county sales tax trust fund to the cities, towns and villages and the county in group B as  
22 follows: to the county which levied the tax, ten percent multiplied by the percentage of the  
23 population of unincorporated county which has been annexed or incorporated since April 1, 1993,  
24 multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining  
25 distributable revenue equal to the percentage ratio that the population of unincorporated areas of the  
26 county bears to the total population of group B; and to each city, town or village in group B located  
27 wholly within the taxing county, a percentage of the remaining distributable revenue equal to the  
28 percentage ratio that the population of such city, town or village bears to the total population of  
29 group B; and to each city, town or village located partly within the taxing county, a percentage of the  
30 remaining distributable revenue equal to the percentage ratio that the population of that part of the  
31 city, town or village located within the taxing county bears to the total population of group B.

32 5. (1) From and after January 1, 2017, in each year in which the total revenues from the  
33 county sales tax collected under sections 66.600 to 66.630 in the previous calendar year are less than  
34 or equal to the amount of such revenues which were collected in the calendar year 2014, the director  
35 of revenue shall distribute to the cities, towns, and villages in group A and the cities, towns, and  
36 villages, and the county in group B, the amounts required to be distributed under the formula  
37 described in subsection 4 and in subsection 6 of this section. From and after January 1, 2017, in  
38 each year in which the total revenues from the county sales tax collected under sections 66.600 to  
39 66.630 in the previous calendar year is greater than the amount of such revenues which were  
40 collected in the calendar year 2014, the director of revenue shall distribute to the cities, towns, and  
41 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 [42] 11 of section 32.087, in accordance with the  
43 formula described in this subsection and in subsection 6. After deducting the distribution to the  
44 cities, towns, and villages in group A, the director of revenue shall, subject to the limitation  
45 described in subdivision (2) of this subsection, distribute funds in the county sales tax trust fund to  
46 the cities, towns, and villages, and the county in group B as follows: to the county which levied the  
47 tax, ten percent multiplied by the percentage of the population of unincorporated county which has  
48 been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues  
49 countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio

that the population of unincorporated areas of the county bears to the total population of group B as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087; and to each city, town, or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town, or village bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087; and to each city, town, or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town, or village located within the taxing county bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087.

(2) For purposes of making any adjustment required by this subsection, the director of revenue shall, prior to any distribution to the county or to each city, town, or village in group B located wholly or partly within the taxing county, identify each city, town, or village in group B located wholly or partly within the taxing county that would receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087 if no adjustments were made and calculate the difference between the amount that the distribution to each such city, town, or village would have been without any adjustment and the amount that equals fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087. Thereafter, the director of revenue shall determine the amount of any adjustment under this subsection as follows:

(a) If the aggregate amount of the difference calculated in accordance with this subsection is less than or equal to the aggregate increase in the remaining distributable revenue for the applicable period in the current calendar year over the remaining distributable revenue for the corresponding period in the calendar year 2014, the director of revenue shall deduct the amount of such difference from the remaining distributable revenue and distribute an allocable portion of the amount of such difference to each city, town, or village that would otherwise have received a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087 if no adjustment were made, such that each such city, town, or village receives a distribution that is equal to fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087;

(b) If, however, the aggregate amount of the difference calculated in accordance with this subsection is greater than the aggregate increase in the remaining distributable revenue for the applicable period in the current calendar year over the remaining distributable revenue for the corresponding period in the calendar year 2014, the director of revenue shall deduct from the remaining distributable revenue an amount equal to the difference between the remaining distributable revenue for the applicable period in the current calendar year and the remaining distributable revenue for the corresponding period in the calendar year 2014 and distribute an allocable portion of the amount of such difference to each city, town, or village that would otherwise

1 have received a distribution that is less than fifty percent of the amount of taxes generated within  
 2 such city, town, or village based on the location in which the sales were deemed consummated under  
 3 section 66.630 and subsection [42] 11 of section 32.087 if no adjustment were made, such that each  
 4 such city, town, or village receives a distribution that includes an adjustment that is proportionate to  
 5 the amount of the adjustment that would otherwise have been made if such adjustment were  
 6 calculated in accordance with paragraph (a) of this subdivision;

7 (c) After determining the amount of the adjustment and making the allocation in accordance  
 8 with paragraph (a) or (b) of this subdivision, as applicable, the director of revenue shall thereafter  
 9 distribute the remaining distributable revenue, as adjusted, to the county and to each city, town, or  
 10 village in group B located wholly or partly within the taxing county in the manner provided in this  
 11 subsection.

12 (3) For purposes of this subsection, if a city, town, or village is partly in group A and partly  
 13 in group B, the director of revenue shall calculate fifty percent of the amount of taxes generated  
 14 within such city, town, or village based on the location in which the sales were deemed  
 15 consummated under section 66.630 and subsection [42] 11 of section 32.087 by multiplying fifty  
 16 percent by the amount of all county sales taxes collected by the director of revenue under sections  
 17 66.600 to 66.630[~~less one percent for cost of collection,~~] that are generated within such city, town,  
 18 or village based on the location in which the sales were deemed consummated under section 66.630  
 19 and subsection [42] 11 of section 32.087, regardless of whether such taxes are deemed  
 20 consummated in group A or group B.

21 6. (1) For purposes of administering the distribution formula of subsections 4 and 5 of this  
 22 section, the revenues arising each year from sales occurring within each group A city, town or  
 23 village shall be distributed as follows: until such revenues reach the adjusted county average, as  
 24 hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced  
 25 by the percentage which is equal to ten percent multiplied by the percentage of the population of  
 26 unincorporated county which has been annexed or incorporated after April 1, 1993; and once  
 27 revenues exceed the adjusted county average, total revenues shall be shared in accordance with the  
 28 redistribution formula as defined in this subsection.

29 (2) For purposes of this subsection, the "adjusted county average" is the per capita  
 30 countywide average of all sales tax distributions during the prior calendar year reduced by the  
 31 percentage which is equal to ten percent multiplied by the percentage of the population of  
 32 unincorporated county which has been annexed or incorporated after April 1, 1993; the  
 33 redistribution formula is as follows: during 1994, each group A city, town and village shall receive  
 34 that portion of the revenues arising from sales occurring within the municipality that remains after  
 35 deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within  
 36 the municipality multiplied by the percentage which is the sum of ten percent multiplied by the  
 37 percentage of the population of unincorporated county which has been annexed or incorporated after  
 38 April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the  
 39 logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales  
 40 taxes arising from sales within the municipality less the adjusted county average. During 1995, each  
 41 group A city, town and village shall receive that portion of the revenues arising from sales occurring  
 42 within the municipality that remains after deducting therefrom an amount equal to the cumulative  
 43 sales tax revenues arising from sales within the municipality multiplied by the percentage which is  
 44 the sum of ten percent multiplied by the percentage of the population of unincorporated county  
 45 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero,  
 46 equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035  
 47 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality  
 48 less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city,  
 49 town and village shall receive that portion of the revenues arising from sales occurring within the

1 municipality that remains after deducting therefrom an amount equal to the cumulative sales tax  
 2 revenues arising from sales within the municipality multiplied by the percentage which is the sum of  
 3 ten percent multiplied by the percentage of the population of unincorporated county which has been  
 4 annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the  
 5 product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the  
 6 total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted  
 7 county average. From and after January 1, 2000, the distribution formula covering the period from  
 8 January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed  
 9 for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within  
 10 which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for  
 11 municipalities within which sales tax revenues exceed the adjusted county average by at least  
 12 twenty-five percent.

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

19 (4) Notwithstanding any other provision of this section, the fifty percent of additional sales  
 20 taxes as described in section 99.845 arising from economic activities within the area of a  
 21 redevelopment project established after July 12, 1990, ~~[pursuant to]~~ under sections 99.800 to 99.865,  
 22 while tax increment financing remains in effect shall be deducted from all calculations of  
 23 countywide sales taxes, shall be distributed directly to the municipality involved, and shall be  
 24 disregarded in calculating the amounts distributed or distributable to the municipality. Further, any  
 25 agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any  
 26 other political subdivision which provides for an appropriation of incremental sales tax revenues to  
 27 the special allocation fund of a tax increment financing project while tax increment financing  
 28 remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall  
 29 be deducted from all calculations of countywide sales taxes, shall be distributed directly to the  
 30 municipality involved, and shall be disregarded in calculating the amounts distributed or  
 31 distributable to the municipality. In addition, and notwithstanding any other provision of this  
 32 chapter to the contrary, economic development funds shall be distributed in full to the municipality  
 33 in which the sales producing them were deemed consummated. Additionally, economic  
 34 development funds shall be deducted from all calculations of countywide sales taxes and shall be  
 35 disregarded in calculating the amounts distributed or distributable to the municipality. As used in  
 36 this subdivision, the term "economic development funds" means the amount of sales tax revenue  
 37 generated in any fiscal year by projects authorized ~~[pursuant to]~~ under chapter 99 or chapter 100 in  
 38 connection with which such sales tax revenue was pledged as security for, or was guaranteed by a  
 39 developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter  
 40 100, entered into or adopted prior to September 1, 1993, between a municipality and another public  
 41 body. The cumulative amount of economic development funds allowed under this provision shall  
 42 not exceed the total amount necessary to amortize the obligations involved.

43 7. If the qualified voters of any city, town or village vote to change or alter its boundaries by  
 44 annexing any unincorporated territory included in group B or if the qualified voters of one or more  
 45 city, town or village in group A and the qualified voters of one or more city, town or village in group  
 46 B vote to consolidate, the area annexed or the area consolidated which had been a part of group B  
 47 shall remain a part of group B after annexation or consolidation. After the effective date of the  
 48 annexation or consolidation, the annexing or consolidated city, town or village shall receive a  
 49 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.

8. 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.

9. 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.

10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 ~~[and]~~ to 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 Anti-Drug Sales Tax Trust Fund". ~~[The moneys in the county anti-drug 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 anti-drug 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 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 67.500 to 67.545, all provisions of sections 32.085 ~~[and]~~ to 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed ~~[pursuant to]~~ under sections 67.671 to 67.685, by a majority vote, impose a sales tax on all retail sales made in the county which are subject to sales tax under chapter 144 for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

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

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

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

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

☐ YES ☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect ~~[pursuant to]~~ under this section, the museums and festivals board appointed ~~[pursuant to]~~ under subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys 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. Expenditures of these tax moneys may be made directly to corporations ~~[pursuant to]~~ under subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

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

5. The governing body of any county which imposes a sales tax ~~[pursuant to]~~ under this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters ~~[pursuant to]~~ under this section. The board shall be comprised of six members who are appointed by the governing body of the

1 county from a list of candidates supplied by the chair of each of the two major political parties of the  
 2 county. The board shall be comprised of three members from each of the two political parties.  
 3 Members shall serve for three-year terms, but of the members first appointed, one shall be appointed  
 4 for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for  
 5 a term of three years. Each member shall be a resident of the county from which he or she is  
 6 appointed. The members of the board shall not receive compensation for service on the board, but  
 7 shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred  
 8 in service on the board.

9 6. In the area of each county in which a sales tax has been imposed in the manner provided  
 10 by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the  
 11 provisions of sections 67.571 to 67.577 to his or her sale price, and this tax shall be a debt of the  
 12 purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the  
 13 purchase price.

14 7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to  
 15 permit sellers required to collect and report the sales tax to collect the amount required to be  
 16 reported and remitted, but not to change the requirements of reporting or remitting the tax, or to  
 17 serve as a levy of the tax, and in order to avoid fractions of pennies, the ~~[governing body may~~  
 18 ~~authorize the use of a bracket system similar to that]~~ tax shall be calculated as authorized by the  
 19 provisions of section 144.285, ~~and notwithstanding the provisions of that section, this new bracket~~  
 20 ~~system shall be used where this tax is imposed and shall apply to all taxable transactions].~~

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

23 67.576. 1. The following provisions shall govern the collection of the tax imposed by the  
 24 provisions of sections 67.571 to 67.577:

25 (1) All applicable provisions contained in ~~[sections 144.010 to 144.510]~~ chapter 144  
 26 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to  
 27 the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

28 (2) All exemptions granted to agencies of government, organizations, and persons under the  
 29 provisions of ~~[sections 144.010 to 144.510]~~ chapter 144 are hereby made applicable to the  
 30 imposition and collection of the tax imposed by sections 67.571 to 67.577.

31 2. The same sales tax permit, exemption certificate and retail certificate required ~~[by~~  
 32 ~~sections 144.010 to 144.510]~~ under chapter 144 for the administration and collection of the state  
 33 sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or  
 34 exemption certificate or retail certificate shall be required; except that, the director of revenue may  
 35 prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571  
 36 to 67.577.

37 3. All discounts allowed the retailer ~~[pursuant to]~~ under the provisions of the state sales tax  
 38 law for the collection of and for payment of taxes ~~[pursuant to]~~ under that act are hereby allowed  
 39 and made applicable to any taxes collected ~~[pursuant to]~~ under the provisions of sections 67.571 to  
 40 67.577.

41 4. The penalties provided ~~[in]~~ under section 32.057 and ~~[sections 144.010 to 144.510]~~  
 42 chapter 144 for a violation of those acts are hereby made applicable to violations of the provisions  
 43 of sections 67.571 to 67.577.

44 5. ~~[For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to~~  
 45 ~~67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer]~~  
 46 Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall  
 47 apply to the tax imposed under sections 67.571 to 67.577.

48 67.578. 1. The governing authority of any county of the third classification without a  
 49 township form of government and with more than sixteen thousand four hundred but less than

1 sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-  
 2 fifth of one percent on all retail sales made in the county which are subject to taxation ~~[pursuant to~~  
 3 ~~sections 144.010 to 144.525]~~ under chapter 144, to be used solely for the funding of museums. For  
 4 purposes of this section, the term "museums" means museums operating in the county, which are  
 5 registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are  
 6 considered by the board to be a tourism attraction. The tax authorized by this section shall be in  
 7 addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed  
 8 ~~[pursuant to]~~ under this section unless the governing authority submits to the voters of the county, at  
 9 a county or state general, primary, or special election, a proposal to authorize the governing  
 10 authority to impose the tax.

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

12 Shall the county of \_\_\_\_\_ (insert the name of the county) impose a sales  
 13 tax of \_\_\_\_\_ (insert rate of percent) percent for the funding of museums? "Museums" means  
 14 museums operating in the county, which are registered with the United States Internal Revenue  
 15 Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism  
 16 attraction.

17 ☐ YES

☐ NO

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

21  
 22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
 23 the proposal, then the sales tax shall become effective ~~[on the first day of the second calendar~~  
 24 ~~quarter after the director of revenue receives notice of the adoption of the tax]~~ as provided by  
 25 subsection 19 of section 32.087. If the proposal receives less than the required majority of votes,  
 26 then the governing authority shall have no power to impose the tax unless and until the governing  
 27 authority has again submitted another proposal to authorize the governing authority to impose the  
 28 sales tax authorized by this section and such proposal is approved by the required majority of the  
 29 qualified voters voting thereon.

30 3. On or after the effective date of the tax, the director of revenue shall be responsible for  
 31 the administration, collection, enforcement, and operation of the tax, and sections 32.085 ~~[and]~~ to  
 32 32.087 shall apply. ~~[The director may retain an amount not to exceed one percent for deposit in the~~  
 33 ~~general revenue fund to offset the costs of collection.]~~ In order to permit sellers required to collect  
 34 and report the sales tax to collect the amount required to be reported and remitted, but not to change  
 35 the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to  
 36 avoid fractions of pennies, the ~~[governing authority may authorize the use of a bracket system~~  
 37 ~~similar to that]~~ tax shall be calculated as authorized [in] under section 144.285[, and  
 38 ~~notwithstanding the provisions of that section, this new bracket system shall be used where this tax~~  
 39 ~~is imposed and shall apply to all taxable transactions]~~. Beginning with the effective date of the tax,  
 40 every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the  
 41 purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the  
 42 purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at  
 43 the place of business of the retailer.

44 4. All applicable provisions in ~~[sections 144.010 to 144.525]~~ chapter 144 governing the state  
 45 sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of  
 46 the tax, and all exemptions granted to agencies of government, organizations, and persons ~~[pursuant~~  
 47 ~~to sections 144.010 to 144.525]~~ under chapter 144 are hereby made applicable to the imposition and  
 48 collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required  
 49 ~~[by sections 144.010 to 144.525]~~ under chapter 144 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]~~ under 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]~~ under section 32.057 and ~~[sections 144.010 to 144.525]~~ chapter 144 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]~~ under this section, or in the event a determination has been made against the person for taxes and penalty ~~[pursuant to]~~ 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]~~ under chapter 144.

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]~~ under this section. In the event that no museum board already exists, the board established ~~[pursuant to]~~ under 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]~~ under 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 on all retail sales made in the county which are subject to sales tax under chapter 144 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 of percent) 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]~~ under this section.

4. In any county adopting an additional sales tax ~~[pursuant to]~~ under the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed ~~[pursuant to]~~ under 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]~~ under sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed ~~[pursuant to]~~ under 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]~~ under 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]~~ under this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed ~~[pursuant to]~~ under 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]~~ under this section and the sales tax imposed ~~[pursuant to]~~ under 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]~~ under 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]~~ under 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]~~ under 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]~~ under this section or the tax levied ~~[pursuant to the provisions of]~~ under sections 66.600 to 66.630 unless, at the time of

1 incorporation, such municipality had a population of ten thousand or more.

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

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

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

25 67.582. 1. The governing body of any county, except a county of the first class with a  
26 charter form of government with a population of greater than four hundred thousand inhabitants, is  
27 hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of  
28 one percent on all retail sales made in such county which are subject to taxation under ~~[the~~  
29 ~~provisions of sections 144.010 to 144.525]~~ chapter 144 for the purpose of providing law  
30 enforcement services for such county. The tax authorized by this section shall be in addition to any  
31 and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax  
32 under the provisions of this section shall be effective unless the governing body of the county  
33 submits to the voters of the county, at a county or state general, primary or special election, a  
34 proposal to authorize the governing body of the county to impose a tax.

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

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

38 Shall the county of \_\_\_\_\_ (county's name) impose a countywide sales tax  
39 of \_\_\_\_\_ (insert ~~[amount]~~ rate of percent) for the purpose of providing law enforcement  
40 services for 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 the  
44 question, place an "X" in the box opposite "No"; or

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

48 Shall the county of \_\_\_\_\_ (county's name) be authorized to enter into  
49 agreements for the purpose of forming a regional jail district and obligating the county to impose a

countywide sales tax of \_\_\_\_\_ (insert ~~[amount]~~ rate of percent) 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]~~ under 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 subsection 19 of section  
 32.087. If the constitutionally required percentage of the voters voting thereon are in favor of the  
 proposal submitted ~~[pursuant to]~~ under 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 subsection 19 of 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]~~ under this section be submitted to the voters sooner than twelve months from the date  
 of the last proposal ~~[pursuant to]~~ under this section.

3. All revenue received by a county from the tax authorized under the provisions of this  
 section shall be deposited in a special trust fund and shall be used solely for providing law  
 enforcement services for such county for so long as the tax shall remain in effect. Revenue placed  
 in the special trust fund may also be utilized for capital improvement projects for law enforcement  
 facilities and for the payment of any interest and principal on bonds issued for said capital  
 improvement projects.

4. 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 providing law enforcement services  
 for the county. 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 funds.

5. All sales taxes collected by the director of revenue under 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 in a special trust fund, which is hereby created, to be known as the "County Law  
 Enforcement Sales Tax Trust Fund". ~~[The moneys in the county law enforcement 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 and 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 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 law enforcement sales tax  
 trust fund shall be by an appropriation act to be enacted by the governing body of each such county.  
 Expenditures may be made from the fund for any law enforcement functions authorized in the

ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. 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 repeal of such tax shall become effective as provided in subsection 19 of section 32.087. 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.

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

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth 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]~~ chapter 144. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, 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:  
Shall the county of \_\_\_\_\_ (county's name) impose a countywide sales tax of \_\_\_\_\_ (insert ~~[amount]~~ rate of percent) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ 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 as provided by subsection 19 of section 32.087. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, 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 a majority of the qualified voters voting thereon. However, in no event shall a proposal ~~[pursuant to]~~ under this section be submitted to the voters sooner than twelve months from the date of the last proposal ~~[pursuant to]~~ under this section.

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

4. All sales taxes collected by the director of revenue under 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 in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales Tax Trust Fund". ~~[The moneys in the county employee benefit 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 and 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 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 employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. 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.

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

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144 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 ~~[pursuant to]~~ under 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. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of \_\_\_\_\_ (county's name) impose a countywide sales tax of \_\_\_\_\_ (insert ~~[amount]~~ rate of percent) 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".

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]~~ under 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 subsection 19 of section 32.087. If a proposal receives less than the required majority, then the governing body of the county shall have no power

1 to impose the sales tax herein authorized unless and until the governing body of the county shall  
 2 again have submitted another proposal to authorize the governing body of the county to impose the  
 3 sales tax authorized by this section and such proposal is approved by the required majority of the  
 4 qualified voters voting thereon. However, in no event shall a proposal ~~[pursuant to]~~ under this  
 5 section be submitted to the voters sooner than twelve months from the date of the last proposal  
 6 ~~[pursuant to]~~ under this section.

7 3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized  
 8 ~~[pursuant to]~~ under this section shall be deposited in a special trust fund and shall be used solely by  
 9 a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The  
 10 remainder of revenue shall be deposited in the county law enforcement sales tax trust fund  
 11 established ~~[pursuant to]~~ under section 67.582 of the county levying the tax ~~[pursuant to]~~ under this  
 12 section. The revenue derived from the tax imposed ~~[pursuant to]~~ under this section shall be used for  
 13 public law enforcement services only. No revenue derived from the tax imposed ~~[pursuant to]~~ under  
 14 this section shall be used for any private contractor providing law enforcement services or for any  
 15 private jail.

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

21 5. All sales taxes collected by the director of revenue ~~[pursuant to]~~ under this section on  
 22 behalf of any county~~], less one percent for cost of collection which shall be deposited in the state's~~  
 23 ~~general revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~  
 24 shall be deposited in a special trust fund, which is hereby created, to be known as the "County  
 25 Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust  
 26 fund, ~~[pursuant to]~~ under the deposit ratio in subsection 3 of this section. ~~[The moneys in the trust~~  
 27 ~~funds shall not be deemed to be state funds and shall not be commingled with any funds of the~~  
 28 ~~state.]~~ The director of revenue shall keep accurate records of the amount of money in the trusts and  
 29 which was collected in each county imposing a sales tax ~~[pursuant to]~~ under this section, and the  
 30 records shall be open to the inspection of officers of the county and the public. Not later than the  
 31 tenth day of each month the director of revenue shall distribute all moneys deposited in the trust  
 32 funds during the preceding month to the county which levied the tax; such funds shall be deposited  
 33 with the county treasurer of each such county, and all expenditures of funds arising from either trust  
 34 fund shall be by an appropriation act to be enacted by the governing body of each such county.  
 35 Expenditures may be made from the funds for any functions authorized in the ordinance or order  
 36 adopted by the governing body submitting the tax to the voters.

37 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the  
 38 amounts in the trust funds and credited to any county for erroneous payments and overpayments  
 39 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any  
 40 county abolishes the tax, the repeal of such tax shall become effective as provided in subsection 19  
 41 of section 32.087. The county shall notify the director of revenue of the action ~~[at least ninety days]~~  
 42 before the effective date of the repeal and the director of revenue may order retention in the  
 43 appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt  
 44 of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored  
 45 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the  
 46 effective date of abolition of the tax in such county, the director of revenue shall remit the balance in  
 47 the account to the county and close the account of that county established ~~[pursuant to]~~ under this  
 48 section. The director of revenue shall notify each county of each instance of any amount refunded  
 49 or any check redeemed from receipts due the county.

1           7. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087 shall  
2 apply to the tax imposed ~~[pursuant to]~~ under this section."; and

3  
4 Further amend said bill, Section 67.662, Page 5, Line 13, by inserting after said section and line the  
5 following:

6  
7           "67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to  
8 67.727 on behalf of any county~~[, less one percent for the cost of collection, which shall be deposited~~  
9 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~  
10 ~~section 32.087,]~~ shall be deposited with the state treasurer in a special trust fund, which is hereby  
11 created, to be known as the "County Alternate Sales Tax Trust Fund". ~~[The moneys in the county~~  
12 ~~alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with~~  
13 ~~any funds of the state.]~~ The director of revenue shall keep accurate records of the amount of money  
14 in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to  
15 67.727, and the records shall be open to the inspection of officers of each county and the general  
16 public. Not later than the tenth day of each month the director of revenue shall distribute all moneys  
17 deposited in the trust fund during the preceding month by distributing to the county treasurer, or  
18 such other officer as may be designated by the county ordinance or order, of each county imposing  
19 the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due  
20 the county.

21           2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the  
22 amounts in the trust fund and credited to any county for erroneous payments and overpayments  
23 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any  
24 county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director  
25 of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal, and the repeal  
26 shall be effective as provided by subsection 19 of section 32.087. The director of revenue may  
27 order retention in the trust fund, for a period of one year, of two percent of the amount collected  
28 after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem  
29 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
30 after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county,  
31 the director of revenue shall ~~[authorize the state treasurer to]~~ remit the balance in the account to the  
32 county and close the account of that county. The director of revenue shall notify each county of  
33 each instance of any amount refunded or any check redeemed from receipts due the county.

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

36           67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any  
37 other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales  
38 taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any  
39 county of the first class having a charter form of government and having a population of nine  
40 hundred thousand or more~~[, less one percent for cost of collection, which shall be deposited in the~~  
41 ~~state's general revenue fund after payment of premiums for surety bonds as provided in sections~~  
42 ~~67.700 to 67.727,]~~ shall be deposited in a special trust fund, which is hereby created, to be known as  
43 the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". ~~[The moneys in the~~  
44 ~~county-municipal storm water and public works sales tax trust fund shall not be deemed to be state~~  
45 ~~funds and shall not be commingled with any funds of the state.]~~ The director of revenue shall keep  
46 accurate records of the amount of money in the trust fund which was collected in each county and  
47 the records shall be open to the inspection of officers of the county and of the municipalities within  
48 the county and the public. Not later than the tenth day of each month, the director ~~[of the~~  
49 ~~department]~~ of revenue shall distribute all moneys deposited in the county-municipal storm water

1 and public works sales tax trust fund during the preceding month to the county which levied the tax,  
2 and the municipalities which are located wholly or partially within such county as follows:

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

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

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

12 2. The director of revenue may make refunds from the amounts in the county-municipal  
13 storm water and public works sales tax trust fund and credited to any county or municipality for  
14 erroneous payments and overpayments made, and may redeem dishonored checks and drafts  
15 deposited to the credit of such county or municipality. If any county abolishes the tax, the county  
16 shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of  
17 the repeal, and the repeal shall be effective as provided by subsection 19 of section 32.087. The  
18 director of revenue may order retention in the county-municipal storm water and public works sales  
19 tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such  
20 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and  
21 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of  
22 abolition of the tax in such county, the director of revenue shall remit the balance in the account to  
23 the county or municipality and close the account of that county or municipality. The director of  
24 revenue shall notify each county or municipality of each instance of any amount refunded or any  
25 check redeemed from receipts due the county or municipality.

26 3. If the governing body of any municipality located wholly or partially within the county so  
27 requests by resolution, no funds shall be expended from the proceeds of any tax imposed under  
28 section 67.701 within the corporate boundaries of the requesting municipality for the construction,  
29 reconstruction or widening of any road established or to be established ~~[pursuant to]~~ under section  
30 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing  
31 is first held at a place near such proposed action; and (b) plans and specifications of such proposed  
32 action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting  
33 principles of such proposed action is presented to such public hearing. Such cost-benefit analysis  
34 and its work papers shall be a public document and subject to inspection as provided in chapter 610.  
35 The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the  
36 county.

37 67.729. 1. Any county except any first class county having a charter form of government  
38 and having a population of nine hundred thousand or more may, in the same manner and by the  
39 same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a  
40 sales tax of not more than one-tenth of one percent on all retail sales made in the county which are  
41 subject to sales tax under chapter 144 for the purpose of funding storm water control and public  
42 works projects other than stadiums or other sports facilities. This sales tax shall be in addition to  
43 any other sales tax authorized by law.

44 2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales  
45 tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the  
46 director of revenue from the tax authorized by this section on behalf of any county~~[-less one percent~~  
47 ~~for cost of collection, which shall be deposited in the state's general revenue fund after payment of~~  
48 ~~premiums for surety bonds as provided in section 32.087,]~~ shall be deposited with the state treasurer  
49 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 subsection 19 of 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.

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

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]~~ 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 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 subsection 19 of 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 on all retail sales made in the county which are subject to sales tax under chapter 144 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 terms.

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

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a 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 Recreation Sales Trust Fund". ~~[Moneys in the 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 collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. 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. Each county shall notify the director of revenue ~~[at least ninety days]~~ prior to the effective date of the expiration of the sales tax authorized by this section, and the repeal shall be effective as provided by subsection 19 of 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 overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

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

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

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

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

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties on all retail sales made in the county which are subject to sales tax under chapter 144 for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

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

Shall the County of \_\_\_\_\_ impose a sales tax of \_\_\_\_\_ (insert rate of percent) percent in conjunction with the county of \_\_\_\_\_ 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

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect as provided by section 32.087 in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such

1 tax, if such property and services are subject to taxation by the state of Missouri under ~~[the~~  
2 ~~provisions of sections 144.010 to 144.525]~~ chapter 144.

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

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

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

31 7. Any county imposing a sales tax ~~[pursuant to the provisions of]~~ under this section may  
32 contract with the authority of any other county or with any city or political subdivision for the  
33 financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility  
34 or project or program funded in whole or in part from revenues derived from the tax levied  
35 ~~[pursuant to the provisions of]~~ under this section.

36 8. The sales tax imposed ~~[pursuant to the provisions of]~~ under this section shall expire  
37 twenty-five years from the effective date thereof unless an extension of the tax is submitted to and  
38 approved by the voters in each county in the manner provided in this section. Each extension of the  
39 sales tax shall be for a period of ten years.

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

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

49 11. 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 67.799. 1. A regional recreational district may, by a majority vote of its board of directors,  
3 impose an annual property tax for the establishment and maintenance of public parks and  
4 recreational facilities and grounds within the boundaries of the regional recreational district not to  
5 exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within  
6 the district, except that no such tax shall become effective unless the board of directors of the district  
7 submits to the voters of the district, at a county or state general, primary or special election, a  
8 proposal to authorize the tax.

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

10 Shall a \_\_\_\_\_ cent tax per one hundred dollars assessed valuation be levied for public  
11 parks and recreational facilities?

12 ☐ YES

13 ☐ NO

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 tax shall become effective as provided by subsection 19 of section 32.087. If  
16 a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board  
17 of directors shall have no power to impose the tax unless and until the board of directors of the  
18 district submits another proposal to authorize the tax and such proposal is approved by a majority of  
19 the qualified voters voting thereon.

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

22 4. (1) A regional recreational district may, by a majority vote of its board of directors,  
23 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation ~~[pursuant to~~  
24 ~~sections 144.010 to 144.525]~~ under chapter 144 for the purpose of funding the creation, operation  
25 and maintenance of public parks, recreational facilities and grounds within the boundaries of a  
26 regional recreational district. The tax authorized by this subsection shall be in addition to all other  
27 sales taxes allowed by law. No tax ~~[pursuant to]~~ under this subsection shall become effective unless  
28 the board of directors submits to the voters of the district, at a county or state general, primary or  
29 special election, a proposal to authorize the tax, and such tax shall become effective only after the  
30 majority of the voters voting on such tax approve such tax.

31 (2) In the event the district seeks to impose a sales tax ~~[pursuant to]~~ under this subsection,  
32 the question shall be submitted in substantially the following form:

33 Shall a \_\_\_\_\_ cent sales tax be levied on all retail sales within the district for public  
34 parks and recreational facilities?

35 ☐ YES

36 ☐ NO

37 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
38 the proposal, then the tax shall become effective as provided by subsection 19 of section 32.087. If  
39 a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board  
40 of directors shall have no power to impose the tax unless and until another proposal to authorize the  
41 tax is submitted to the voters of the district and such proposal is approved by a majority of the  
42 qualified voters voting thereon. The provisions of sections 32.085 ~~[and]~~ to 32.087 shall apply to any  
43 tax approved ~~[pursuant to]~~ under this subsection.

44 5. As used in this section, "qualified voters" or "voters" means any individuals residing  
45 within the proposed district who are eligible to be registered voters and who have registered to vote  
46 under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed  
47 district, all of the owners of real property located within the proposed district who have unanimously  
48 petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax  
49 authorized in this section. If the owner of the property within the proposed district is a political

subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

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

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

Shall \_\_\_\_\_ (insert the name of the county) impose a sales tax at a rate of \_\_\_\_\_ (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund 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 the question, then the tax shall become effective ~~[on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue]~~ as provided by subsection 19 of section 32.087. 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.

3. ~~[On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. 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 32.087 shall apply.]~~ All revenue collected under this section by the director of ~~[the department of]~~ revenue on behalf of any county~~], except for one percent for the cost of collection which shall be deposited in the state's general revenue fund,~~ shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. ~~[Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.]~~ The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored

1 checks and drafts deposited to the credit of such county. Any funds in the special trust fund which  
 2 are not needed for current expenditures shall be invested in the same manner as other funds are  
 3 invested. Any interest and moneys earned on such investments shall be credited to the fund.

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

14 5. All applicable provisions in ~~[sections 144.010 to 144.525]~~ chapter 144 governing the state  
 15 sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of  
 16 the tax~~], and all exemptions granted to agencies of government, organizations, and persons under~~  
 17 ~~sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax.~~  
 18 The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010  
 19 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements  
 20 of this section, and no additional permit or exemption certificate or retail certificate shall be  
 21 required; except that, the director of revenue may prescribe a form of exemption certificate for an  
 22 exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection  
 23 of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for  
 24 violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to  
 25 violations of this section. If any person is delinquent in the payment of the amount required to be  
 26 paid under this section, or in the event a determination has been made against the person for taxes  
 27 and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax  
 28 and penalty shall be the same as that provided in sections 144.010 to 144.525].

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

32 Shall \_\_\_\_\_ (insert the name of the county) repeal the sales tax imposed at  
 33 a rate of \_\_\_\_\_ (insert rate of percent) percent for the purpose of funding senior services and  
 34 youth programs provided by the county?

35 ☐ YES

36 ☐ NO

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

39  
 40 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
 41 repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in which~~  
 42 ~~such repeal was approved]~~ as provided by subsection 19 of section 32.087. If a majority of the votes  
 43 cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales  
 44 tax authorized in this section shall remain effective until the question is resubmitted under this  
 45 section to the qualified voters and the repeal is approved by a majority of the qualified voters voting  
 46 on the question.

47 7. Whenever the governing body of any county that has adopted the sales tax authorized in  
 48 this section receives a petition, signed by ten percent of the registered voters of the county voting in  
 49 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 subsection 19 of 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. Any governing body of a municipality located in a county enumerated in subdivisions (1) to (26) of this subsection or the governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions ~~[(4)]~~ (27) to ~~[(5)]~~ (31) of this subsection ~~[or]~~ may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality that are subject to taxation under chapter 144:

(1) ~~[In any]~~ A 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]~~ ;

(2) 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]~~ ;

(3) A county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants ~~[or]~~ ;

(4) 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]~~ ;

(5) Any county of the third classification with a population greater than three thousand but less than four thousand ~~[or]~~ ;

(6) Any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred ~~[or]~~ ;

(7) Any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand ~~[or]~~ ;

(8) Any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred ~~[or]~~ ;

(9) Any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred ~~[or]~~ ;

(10) Any county of the third classification with a population greater than nine thousand but

1 less than nine thousand two hundred [Ø] ;

2 (11) Any county of the third classification with a population greater than ten thousand five  
3 hundred but less than ten thousand six hundred [Ø] ;

4 (12) Any county of the third classification with a population greater than twenty-three  
5 thousand five hundred but less than twenty-three thousand seven hundred [Ø] ;

6 (13) A county of the third classification with a population greater than thirty-three thousand  
7 but less than thirty-four thousand [Ø] ;

8 (14) A county of the third classification with a population greater than twenty thousand  
9 eight hundred but less than twenty-one thousand [Ø] ;

10 (15) A county of the third classification with a population greater than fourteen thousand  
11 one hundred but less than fourteen thousand five hundred [Ø] ;

12 (16) A county of the third classification with a population greater than twenty thousand  
13 eight hundred fifty but less than twenty-two thousand [Ø] ;

14 (17) A county of the third classification with a population greater than thirty-nine thousand  
15 but less than forty thousand [Ø] ;

16 (18) A county of the third classification with a township form of organization and a  
17 population greater than twenty-eight thousand but less than twenty-nine thousand [Ø] ;

18 (19) A county of the third classification with a population greater than fifteen thousand but  
19 less than fifteen thousand five hundred [Ø] ;

20 (20) A county of the third classification with a population greater than eighteen thousand  
21 but less than nineteen thousand seventy [Ø] ;

22 (21) A county of the third classification with a population greater than thirteen thousand  
23 nine hundred but less than fourteen thousand four hundred [Ø] ;

24 (22) A county of the third classification with a population greater than twenty-seven  
25 thousand but less than twenty-seven thousand five hundred [Ø] ;

26 (23) A county of the first classification without a charter form of government and a  
27 population of at least eighty thousand but not greater than eighty-three thousand [Ø] ;

28 (24) A county of the third classification with a population greater than fifteen thousand but  
29 less than fifteen thousand nine hundred without a township form of government which does not  
30 adjoin any county of the first, second or fourth classification  
31 [Ø] ;

32 (25) A county of the third classification with a population greater than twenty-three  
33 thousand but less than twenty-five thousand without a township form of government which does not  
34 adjoin any county of the second or fourth classification and does adjoin a county of the first  
35 classification with a population greater than one hundred twenty thousand but less than one hundred  
36 fifty thousand [Ø] ;

37 (26) ~~[In any]~~ A county of the fourth classification acting as a county of the second  
38 classification, having a population of at least forty-eight thousand ~~[or any governing body of a~~  
39 ~~municipality located in any of such counties may impose, by ordinance or order, a sales tax on all~~  
40 ~~retail sales made in such county or municipality which are subject to taxation pursuant to the~~  
41 ~~provisions of sections 144.010 to 144.525:~~

42 ~~——(1)] ;~~

43 (27) A county with a population of at least four thousand two hundred inhabitants but not  
44 more than four thousand five hundred inhabitants;

45 [2] (28) A county with a population of at least four thousand seven hundred inhabitants but  
46 not more than four thousand nine hundred inhabitants;

47 [3] (29) A county with a population of at least seven thousand three hundred inhabitants  
48 but not more than seven thousand six hundred inhabitants;

49 [4] (30) A county with a population of at least ten thousand one hundred inhabitants but

1 not more than ten thousand three hundred inhabitants; ~~and~~

2 ~~——(5) or~~

3 (31) A county with a population of at least four thousand three hundred inhabitants but not  
4 more than four thousand five hundred inhabitants.

5 2. The maximum rate for a sales tax ~~[pursuant to]~~ under this section shall be one percent for  
6 municipalities and one-half of one percent for counties.

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

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

15 Shall the (city, town, village or county) of \_\_\_\_\_ impose a sales tax of  
16 \_\_\_\_\_ (insert ~~[amount]~~ rate of percent) for the purpose of economic development in the  
17 \_\_\_\_\_ (city, town, village or county)?

18 ☐ YES ☐ NO

19  
20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
21 the proposal, then the ordinance or order and any amendments thereto shall be in effect ~~[on the first~~  
22 ~~day of the second quarter after the director of revenue receives notice of adoption of the tax]~~ as  
23 provided by subsection 19 of section 32.087. If a majority of the votes cast by the qualified voters  
24 voting are opposed to the proposal, then the governing body of the county or municipality shall not  
25 impose the sales tax authorized in this section until the governing body of the county or  
26 municipality resubmits another proposal to authorize the governing body of the county or  
27 municipality to impose the sales tax authorized by this section and such proposal is approved by a  
28 majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the  
29 voters sooner than twelve months from the date of the submission of the last such proposal.

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

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

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

44 8. ~~[The moneys in the local economic development 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 and which was collected in  
47 each county or municipality imposing a sales tax ~~[pursuant to]~~ under this section, and the records  
48 shall be open to the inspection of officers of the county or municipality and the public.

49 9. Not later than the tenth day of each month the director of revenue shall distribute all

1 moneys deposited in the trust fund during the preceding month to the county or municipality which  
 2 levied the tax. Such funds shall be deposited with the county treasurer of each such county or the  
 3 appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising  
 4 from the local economic development sales tax trust fund shall be by an appropriation act to be  
 5 enacted by the governing body of each such county or municipality. Expenditures may be made  
 6 from the fund for any economic development purposes authorized in the ordinance or order adopted  
 7 by the governing body submitting the tax to the voters.

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

12 11. If any county or municipality abolishes the tax, the county or municipality shall notify  
 13 the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal,  
 14 and the repeal shall be effective as provided by subsection 19 of section 32.087. The director of  
 15 revenue may order retention in the trust fund, for a period of one year, of two percent of the amount  
 16 collected after receipt of such notice to cover possible refunds or overpayment of the tax and to  
 17 redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has  
 18 elapsed after the effective date of abolition of the tax in such county or municipality, the director of  
 19 revenue shall remit the balance in the account to the county or municipality and close the account of  
 20 that county or municipality. The director of revenue shall notify each county or municipality of  
 21 each instance of any amount refunded or any check redeemed from receipts due the county or  
 22 municipality.

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

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

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

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

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

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

33 67.1303. 1. The governing body of any home rule city with more than one hundred fifty-  
 34 one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any  
 35 home rule city with more than forty-five thousand five hundred but less than forty-five thousand  
 36 nine hundred inhabitants and the governing body of any city within any county of the first  
 37 classification with more than one hundred four thousand six hundred but less than one hundred four  
 38 thousand seven hundred inhabitants and the governing body of any county of the third classification  
 39 without a township form of government and with more than forty thousand eight hundred but less  
 40 than forty thousand nine hundred inhabitants or any city within such county may impose, by order  
 41 or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax  
 42 under chapter 144. In addition, the governing body of any county of the first classification with  
 43 more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the  
 44 governing body of any home rule city with more than seventy-three thousand but less than seventy-  
 45 five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in  
 46 the city or county which are subject to sales tax under chapter 144. The tax authorized in this  
 47 section shall not be more than one-half of one percent. The order or ordinance imposing the tax  
 48 shall not become effective unless the governing body of the city or county submits to the voters of  
 49 the city or county at a state general or primary election a proposal to authorize the governing body

1 to impose a tax under this section. The tax authorized in this section shall be in addition to all other  
2 sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

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

7 ☐ YES ☐ NO  
8

9 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
10 the question, then the tax shall become effective ~~[on the first day of the second calendar quarter~~  
11 ~~following the calendar quarter in which the election was held]~~ as provided by subsection 19 of  
12 section 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon  
13 are opposed to the question, then the tax shall not become effective unless and until the question is  
14 resubmitted under this section to the qualified voters and such question is approved by a majority of  
15 the qualified voters voting on the question, provided that no proposal shall be resubmitted to the  
16 voters sooner than twelve months from the date of the submission of the last proposal.

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

- 21 (1) Acquisition of land;
- 22 (2) Installation of infrastructure for industrial or business parks;
- 23 (3) Improvement of water and wastewater treatment capacity;
- 24 (4) Extension of streets;
- 25 (5) Providing matching dollars for state or federal grants;
- 26 (6) Marketing;
- 27 (7) Construction and operation of job training and educational facilities; and
- 28 (8) Providing grants and low-interest loans to companies for job training, equipment  
29 acquisition, site development, and infrastructure.

30  
31 Not more than twenty-five percent of the revenue generated may be used annually for administrative  
32 purposes, including staff and facility costs.

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

38 5. The director of revenue may make refunds from the amounts in the trust fund and  
39 credited to any city or county for erroneous payments and overpayments to the trust fund and may  
40 redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or  
41 county abolishes the tax authorized under this section, the repeal of such tax shall become effective  
42 as provided by subsection 19 of section 32.087. Each city or county shall notify the director of  
43 revenue prior to the effective date of the expiration of the sales tax authorized by this section, and  
44 the repeal shall be effective as provided by subsection 19 of section 32.087. The director of revenue  
45 may order retention in the trust fund, for a period of one year, of two percent of the amount collected  
46 after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem  
47 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
48 after the date of expiration of the tax authorized by this section in such city or county, the director of  
49 revenue shall remit the balance in the account to the city or county and close the account of that city

1 or county. The director of revenue shall notify each city or county of each instance of any amount  
 2 refunded or any check redeemed from receipts due to the city or county.

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

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

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

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

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

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

34 ~~[6-]~~ 7. The board, subject to approval of the governing body of the city or county, shall  
 35 develop economic development plans, economic development projects, or designations of an  
 36 economic development area, and shall hold public hearings and provide notice of any such hearings.  
 37 The board shall vote on all proposed economic development plans, economic development projects,  
 38 or designations of an economic development area, and amendments thereto, within thirty days  
 39 following completion of the hearing on any such plan, project, or designation, and shall make  
 40 recommendations to the governing body within ninety days of the hearing concerning the adoption  
 41 of or amendment to economic development plans, economic development projects, or designations  
 42 of an economic development area.

43 ~~[7-]~~ 8. The board shall report at least annually to the governing body of the city or county  
 44 on the use of the funds provided under this section and on the progress of any plan, project, or  
 45 designation adopted under this section.

46 ~~[8-]~~ 9. The governing body of any city or county that has adopted the sales tax authorized in  
 47 this section may submit the question of repeal of the tax to the voters on any date available for  
 48 elections for the city or county. The ballot of submission shall be in substantially the following  
 49 form:

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

4 ☐ YES

☐ NO

5  
 6 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
 7 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as  
 8 provided by subsection 19 of section 32.087. If a majority of the votes cast on the question by the  
 9 qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section  
 10 shall remain effective until the question is resubmitted under this section to the qualified voters of  
 11 the city or county, and the repeal is approved by a majority of the qualified voters voting on the  
 12 question.

13 ~~[9.]~~ 10. Whenever the governing body of any city or county that has adopted the sales tax  
 14 authorized in this section receives a petition, signed by ten percent of the registered voters of the  
 15 city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax  
 16 imposed under this section, the governing body shall submit to the voters a proposal to repeal the  
 17 tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor  
 18 of the repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in~~  
 19 ~~which such repeal was approved]~~ as provided by subsection 19 of section 32.087. If a majority of  
 20 the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then  
 21 the tax shall remain effective until the question is resubmitted under this section to the qualified  
 22 voters and the repeal is approved by a majority of the qualified voters voting on the question. If the  
 23 city or county abolishes the tax, the city or county shall notify the director of revenue of the action  
 24 and the repeal shall be effective as provided by subsection 19 of section 32.087.

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

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

33 67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town,  
 34 or village.

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

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

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

1                    ☐ YES

2                    ☐ NO

3 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
4 the question, then the tax shall become effective ~~[on the first day of the second calendar quarter~~  
5 ~~following the calendar quarter in which the election was held]~~ as provided by subsection 19 of  
6 section 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon  
7 are opposed to the question, then the tax shall not become effective unless and until the question is  
8 resubmitted under this section to the qualified voters and such question is approved by a majority of  
9 the qualified voters voting on the question, provided that no proposal shall be resubmitted to the  
10 voters sooner than twelve months from the date of the submission of the last proposal.

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

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

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

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

30            8. If any county or municipality abolishes the tax, the city or county shall notify the director  
31 of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal, and the repeal  
32 shall be effective as provided by subsection 19 of section 32.087. The director of revenue may  
33 order retention in the trust fund, for a period of one year, of two percent of the amount collected  
34 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem  
35 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
36 after the effective date of abolition of the tax in such city or county, the director of revenue shall  
37 remit the balance in the account to the city or county and close the account of that city or county.  
38 The director of revenue shall notify each city or county of each instance of any amount refunded or  
39 any check redeemed from receipts due the city or county.

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

42            10. (1) No revenue generated by the tax authorized in this section shall be used for any  
43 retail development project, except for the redevelopment of downtown areas and historic districts.  
44 Not more than twenty-five percent of the revenue generated shall be used annually for  
45 administrative purposes, including staff and facility costs.

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

49            (a) Acquisition of land;

1 (b) Installation of infrastructure for industrial or business parks;  
 2 (c) Improvement of water and wastewater treatment capacity;  
 3 (d) Extension of streets;  
 4 (e) Public facilities directly related to economic development and job creation; and  
 5 (f) Providing matching dollars for state or federal grants relating to such long-term projects.  
 6 (3) The remaining revenue generated by the tax authorized in this section may be used for,  
 7 but shall not be limited to, the following:

8 (a) Marketing;  
 9 (b) Providing grants and loans to companies for job training, equipment acquisition, site  
 10 development, and infrastructures;  
 11 (c) Training programs to prepare workers for advanced technologies and high skill jobs;  
 12 (d) Legal and accounting expenses directly associated with the economic development  
 13 planning and preparation process;  
 14 (e) Developing value-added and export opportunities for Missouri agricultural products.

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

20 12. (1) Any city or county imposing the tax authorized in this section shall establish an  
 21 economic development tax board. The volunteer board shall receive no compensation or operating  
 22 budget.

23 (2) The economic development tax board established by a city shall consist of at least five  
 24 members, but may be increased to nine members. Either a five-member or nine-member board shall  
 25 be designated in the order or ordinance imposing the sales tax authorized by this section, and the  
 26 members are to be appointed as follows:

27 (a) One member of a five-member board, or two members of a nine-member board, shall be  
 28 appointed by the school districts included within any economic development plan or area funded by  
 29 the sales tax authorized in this section. Such member or members shall be appointed in any manner  
 30 agreed upon by the affected districts;

31 (b) Three members of a five-member board, or five members of a nine-member board, shall  
 32 be appointed by the chief elected officer of the city with the consent of the majority of the governing  
 33 body of the city;

34 (c) One member of a five-member board, or two members of a nine-member board, shall be  
 35 appointed by the governing body of the county in which the city is located.

36 (3) The economic development tax board established by a county shall consist of seven  
 37 members, to be appointed as follows:

38 (a) One member shall be appointed by the school districts included within any economic  
 39 development plan or area funded by the sales tax authorized in this section. Such member shall be  
 40 appointed in any manner agreed upon by the affected districts;

41 (b) Four members shall be appointed by the governing body of the county; and

42 (c) Two members from the cities, towns, or villages within the county appointed in any  
 43 manner agreed upon by the chief elected officers of the cities or villages. Of the members initially  
 44 appointed, three shall be designated to serve for terms of two years, except that when a nine-  
 45 member board is designated, seven of the members initially appointed shall be designated to serve  
 46 for terms of two years, and the remaining members shall be designated to serve for a term of four  
 47 years from the date of such initial appointments. Thereafter, the members appointed shall serve for  
 48 a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner  
 49 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;

- 1 (f) Marketing;  
 2 (g) Administration and legal expenses; and  
 3 (h) Other expenditures.

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

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

11 ☐ YES ☐ NO

12  
 13 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become  
 14 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as  
 15 provided by subsection 19 of section 32.087. If a majority of the votes cast on the question by the  
 16 qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section  
 17 shall remain effective until the question is resubmitted under this section to the qualified voters of  
 18 the city or county, and the repeal is approved by a majority of the qualified voters voting on the  
 19 question.

20 19. Whenever the governing body of any city or county that has adopted the sales tax  
 21 authorized in this section receives a petition, signed by ten percent of the registered voters of the  
 22 city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax  
 23 imposed under this section, the governing body shall submit to the voters a proposal to repeal the  
 24 tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor  
 25 of the repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in~~  
 26 ~~which such repeal was approved]~~ as provided by subsection 19 of section 32.087. If a majority of  
 27 the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then  
 28 the tax shall remain effective until the question is resubmitted under this section to the qualified  
 29 voters and the repeal is approved by a majority of the qualified voters voting on the question.

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

34 67.1545. 1. Any district formed as a political subdivision may impose by resolution a  
 35 district sales and use tax on all retail sales made in such district which are subject to taxation  
 36 ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144, except sales of motor vehicles, trailers,  
 37 ~~boats or outboard motors [and sales to or by public utilities and providers of communications, cable,~~  
 38 ~~or video services]~~ , electricity, piped natural or artificial gas, or other fuels delivered by the seller.  
 39 Any sales and use tax imposed ~~[pursuant to]~~ under this section may be imposed in increments of  
 40 one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be  
 41 imposed for any district purpose designated by the district in its ballot of submission to its qualified  
 42 voters; except that, no resolution adopted ~~[pursuant to]~~ under this section shall become effective  
 43 unless the board of directors of the district submits to the qualified voters of the district, by mail-in  
 44 ballot, a proposal to authorize a sales and use tax ~~[pursuant to]~~ under this section. If a majority of  
 45 the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the  
 46 resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales  
 47 tax, then the resolution is void.

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

49 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] rate of percent) 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]~~ as provided by subsection 19 of section 32.087.

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 this state, 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 this state 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]~~ under 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]~~ under chapter 144 shall apply to violations of this section.

~~[8.]~~ 7. All revenue received by the district from a sales and use tax imposed ~~[pursuant to]~~ under 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]~~ under 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]~~ under 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]~~ under 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

1 district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail  
 2 sales subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144 for the purpose  
 3 of funding the creation, operation and maintenance of a metropolitan park and recreation district.

4 2. In addition to the tax authorized in subsection 1 of this section, the governing body of any  
 5 county located within the metropolitan district as of January 1, 2012, is authorized to impose by  
 6 ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to  
 7 taxation under ~~[sections 144.010 to 144.525]~~ chapter 144 for the purpose of funding the operation  
 8 and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall  
 9 not be implemented unless approved by the voters of the county with the largest population within  
 10 the district and at least one other such county under subsection 2 of section 67.1715.

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

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

25 67.1775. 1. The governing body of a city not within a county, or any county of this state  
 26 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in  
 27 the county or city, or city not within a county, on all retail sales made in the city or county which are  
 28 subject to sales tax under chapter 144 for the purpose of providing services described in section  
 29 210.861, including counseling, family support, and temporary residential services to persons  
 30 nineteen years of age or less. The question shall be submitted to the qualified voters of the county  
 31 or city, or city not within a county, at a county or city or state general, primary or special election  
 32 upon the motion of the governing body of the county or city, or city not within a county or upon the  
 33 petition of eight percent of the qualified voters of the county or city, or city not within a county,  
 34 determined on the basis of the number of votes cast for governor in such county at the last  
 35 gubernatorial election held prior to the filing of the petition. The election officials of the county or  
 36 city, or city not within a county, shall give legal notice as provided in chapter 115. The question  
 37 shall be submitted in substantially the following form:

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

43 ☐ YES

44 ☐ NO

45 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
 46 the question, then the ordinance or order and any amendments thereto shall be in effect ~~[on the first~~  
 47 ~~day of the second calendar quarter after the director receives notification of the local sales tax]~~ as  
 48 provided by subsection 19 of section 32.087. If a question receives less than the required majority,  
 49 then the governing authority of the city or county, or city not within a county, shall have no power to

1 impose the sales tax unless and until the governing authority of the city or county, or city not within  
 2 a county, has submitted another question to authorize the imposition of the sales tax authorized by  
 3 this section and such question is approved by the required majority of the qualified voters voting  
 4 thereon. However, in no event shall a question under this section be submitted to the voters sooner  
 5 than twelve months from the date of the last question under this section.

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

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

29 4. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the  
 30 amounts in the fund and credited to any city or county, or city not within a county, for erroneous  
 31 payments and overpayments made, and may redeem dishonored checks and drafts deposited to the  
 32 credit of such counties. Each city or county, or city not within a county, shall notify the director of  
 33 revenue ~~[at least ninety days]~~ prior to the effective date of the expiration of the sales tax authorized  
 34 by this section, and the repeal shall be effective as provided by subsection 19 of section 32.087. The  
 35 director of revenue may order retention in the fund, for a period of one year, of two percent of the  
 36 amount collected after receipt of such notice to cover possible refunds or overpayment of such tax  
 37 and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year  
 38 has elapsed after the date of expiration of the tax authorized by this section in such city not within a  
 39 county or such city or county, the director of revenue shall remit the balance in the account to the  
 40 city or county, or city not within a county, and close the account of that city or county, or city not  
 41 within a county. The director of revenue shall notify each city or county, or city not within a county,  
 42 of each instance of any amount refunded or any check redeemed from receipts due the city or  
 43 county.

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

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

administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of ~~[food as defined in section 144.014, sales of]~~ new or used motor vehicles, trailers, boats, or ~~[other]~~ outboard motors, ~~[all utilities, telephone and wireless services, and sales of funeral services,]~~ made on or after January 1, 2019, within the district which are subject to taxation ~~[pursuant to the provisions of sections 144.010 to 144.525]~~ under chapter 144. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

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

Shall the Tourism Community Enhancement District impose a sales tax of \_\_\_\_\_  
(insert ~~[amount]~~ rate of percent) for the purpose of promoting tourism in the 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 proposed district voting thereon are in favor of the proposal, then the order shall become effective ~~[on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax]~~ as provided in subsection 19 of section 32.087. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized ~~[pursuant to]~~ under this section unless and until the board shall again have submitted another proposal to authorize the board 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.

3. Except as modified by this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

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

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

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

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

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

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

(5) 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;

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

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

(8) Any county of the third classification without a township form of government and with

1 more than twenty-three thousand five hundred but less than twenty-three thousand six hundred  
 2 inhabitants;

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

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

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

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

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

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

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

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

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

26 (3) The name of the proposed district.

27 4. Upon the filing of a petition ~~[pursuant to]~~ under this section, the governing body of any  
 28 county described in this section may, by resolution, approve the creation of a district. Any  
 29 resolution to establish such a district shall be adopted by the governing body of each county located  
 30 within the proposed district, and shall contain the following information:

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

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

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

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

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

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

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

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

45 6. Following the hearing, if the governing body of each county located within the proposed  
 46 district decides to establish the proposed district, it shall adopt an order to that effect; if the  
 47 governing body of any county located within the proposed district decides to not establish the  
 48 proposed district, the boundaries of the proposed district shall not include that county. The order  
 49 shall contain the following:

- 1 (1) The description of the boundaries of the district;  
 2 (2) A statement that an exhibition center and recreational facility district has been  
 3 established;  
 4 (3) The name of the district;  
 5 (4) The uses for any revenue generated by a sales tax imposed ~~[pursuant to]~~ under this  
 6 section; and  
 7 (5) A declaration that the district is a political subdivision of the state.

8 7. A district established ~~[pursuant to]~~ under this section may, at a general, primary, or  
 9 special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth  
 10 of one percent, for a period not to exceed twenty-five years, on all retail sales within the district,  
 11 which are subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144, to fund  
 12 the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition  
 13 center and recreational facilities. The ballot of submission shall be in substantially the following  
 14 form:

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

19 ☐ YES

20 ☐ NO

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

24 If a majority of the votes cast in the portion of any county that is part of the proposed district favor  
 25 the proposal, then the sales tax shall become effective in that portion of the county ~~[that is part of the~~  
 26 ~~proposed district on the first day of the first calendar quarter immediately following the election]~~ as  
 27 provided by subsection 19 of section 32.087. If a majority of the votes cast in the portion of a  
 28 county that is a part of the proposed district oppose the proposal, then that portion of such county  
 29 shall not impose the sales tax authorized in this section until after the county governing body has  
 30 submitted another such sales tax proposal and the proposal is approved by a majority of the qualified  
 31 voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the  
 32 county shall not resubmit a proposal to the voters ~~[pursuant to]~~ under this section sooner than twelve  
 33 months from the date of the last proposal submitted ~~[pursuant to]~~ under this section. If the qualified  
 34 voters in two or more counties that have contiguous districts approve the sales tax proposal, the  
 35 districts shall combine to become one district.

36 8. There is hereby created a board of trustees to administer any district created and the  
 37 expenditure of revenue generated ~~[pursuant to]~~ under this section consisting of four individuals to  
 38 represent each county approving the district, as provided in this subsection. The governing body of  
 39 each county located within the district, upon approval of that county's sales tax proposal, shall  
 40 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging  
 41 business located within the taxing district, or their designee, at least one shall be an owner of a  
 42 lodging facility located within the district, or their designee, and all members shall reside in the  
 43 district except that one nonlodging business owner, or their designee, and one lodging facility  
 44 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five  
 45 years of age and a resident of this state. Of the initial trustees appointed from each county, two shall  
 46 hold office for two years, and two shall hold office for four years. Trustees appointed after  
 47 expiration of the initial terms shall be appointed to a four-year term by the governing body of the  
 48 county the trustee represents, with the initially appointed trustee to remain in office until a successor  
 49 is appointed, and shall take office upon being appointed. Each trustee may be reappointed.

Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

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

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

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

(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 single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

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

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

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

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

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

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

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

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

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

~~[12.]~~ 13. Any sales tax imposed ~~[pursuant to]~~ under 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]~~ prior to the effective date of the repeal, and the repeal shall be effective as provided by subsection 19 of 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 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]~~ under chapter 144 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]~~ under 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] rate of percent) 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 subsection 19 of 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~~ under this section be submitted to the voters sooner than twelve months from the date of the last proposal ~~pursuant to~~ under this section.

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

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

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

~~4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] 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 this state, 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 this state 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.]~~ 4. (1) The governing authority of any city that has adopted any sales tax ~~pursuant to~~ under this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

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

☐ YES

☐ NO

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

1 the question, place an "X" in the box opposite "NO".

2  
3 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
4 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as  
5 provided by subsection 19 of section 32.087. If the city or county abolishes the tax, the city or  
6 county shall notify the director of revenue of the action prior to the effective date of the repeal, as  
7 provided by subsection 19 of section 32.087.

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

13 (3) The governing authority of a city repealing a tax ~~[pursuant to]~~ under this section shall  
14 notify the director of revenue of the action ~~[at least forty-five days before]~~ prior to the effective date  
15 of the repeal, and the repeal shall be effective as provided by subsection 19 of section 32.087. The  
16 director of revenue may order retention in any trust fund created in the state treasury associated with  
17 the tax, for a period of one year, of two percent of the amount collected after receipt of such notice  
18 to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to  
19 the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in  
20 the city, the director of revenue shall remit the balance in the trust fund to the city and close the  
21 account of that city. The director of revenue shall notify each city of each instance of any amount  
22 refunded or any check redeemed from receipts due the city.

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

34 ~~[6.]~~ 5. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087  
35 shall apply to the tax imposed ~~[pursuant to]~~ under this section.

36 67.2525. 1. Each member of the board of directors shall have the following qualifications:

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

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

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

48 3. For those subdistricts which contain one or more registered voters, the mayor or  
49 ~~[chairman]~~ chair of the city, town, or village shall, with the consent of the governing body, appoint a

1 registered voter residing in the subdistrict to the board of directors.

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

12 5. The property owners, when assembled, shall organize by the election of a temporary  
13 ~~chairman~~ chair and secretary of the meeting who shall conduct the election. An election shall be  
14 conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the  
15 election, each acre of real property within the subdistrict shall represent one share, and each owner,  
16 including corporations and other entities, may have one vote in person or for every acre of real  
17 property owned by such person within the subdistrict. Each voter which is not an individual shall  
18 determine how to cast its vote as provided for in its articles of incorporation, articles of organization,  
19 articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the  
20 determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as  
21 determined by a majority of the persons who run the day-to-day affairs of the voter. The results of  
22 the meeting shall be certified by the temporary ~~chairman~~ chair and secretary to the municipal clerk  
23 if the district is established by a municipality described in this section, or to the circuit clerk if the  
24 district is established by a circuit court.

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

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

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

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

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

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

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

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

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

49 12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority

1 of those voting shall have the authority to act in the name of the board, and approve any board  
2 resolution.

3 13. At the first meeting, the board, by resolution, shall receive the certification of the  
4 election regarding the sales tax, and may impose the sales tax in all subdistricts approving the  
5 imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become  
6 effective ~~[on the first day of the first calendar quarter immediately following the action by the~~  
7 ~~district board of directors imposing the tax]~~ as provided by subsection 19 of section 32.087.

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

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

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

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

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

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

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

26 (6) To collect taxes and other revenues;

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

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

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

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

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

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

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

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

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

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

1 thereof;

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

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

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

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

12 (6) May be sold at either public or private sale, at such interest rates, and at such price or  
13 prices as the district shall determine. The provisions of this subsection are applicable to the district  
14 notwithstanding the provisions of section 108.170.

15 67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any  
16 time by the district by issuing refunding bonds in such amount as the district may deem necessary.  
17 Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding  
18 notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding  
19 bonds may include amounts necessary to finance any premium, unpaid interest, and costs of  
20 issuance in connection with the refunding bonds. Any such refunding may be effected whether the  
21 bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the  
22 refunding bonds and the application of the proceeds thereof to the payment of the obligations being  
23 refunded or the exchange of the refunding bonds for the obligations being refunded with the consent  
24 of the holders of the obligations being refunded.

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

30 3. Any district may by resolution impose a district sales tax of up to one-half of one percent  
31 on all retail sales made in such district that are subject to taxation ~~[pursuant to the provisions of~~  
32 ~~sections 144.010 to 144.525]~~ under chapter 144. Upon voter approval, and receiving the necessary  
33 certifications from the governing body of the municipality in which the district is located, or from  
34 the circuit court if the district was formed by the circuit court, the board of directors shall have the  
35 power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the  
36 question of the imposing sales tax shall be in accordance with section 67.2520. ~~[The sales tax shall~~  
37 ~~become effective in those subdistricts that approve the sales tax on the first day of the first calendar~~  
38 ~~quarter immediately following the passage of a resolution by the board of directors imposing the~~  
39 ~~sales tax.~~

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

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

1 ~~6.]~~ 4. All revenue received by a district from the sales tax authorized by this section shall be  
 2 deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds  
 3 in such special trust fund which are not needed for the district's current expenditures may be  
 4 invested by the district board of directors in accordance with applicable laws relating to the  
 5 investment of other district funds.

6 ~~[7.]~~ 5. The sales tax may be imposed at a rate of up to one-half of one percent on the  
 7 receipts from the sale at retail of all ~~[tangible personal property or taxable services]~~ sales at retail  
 8 within the district adopting such tax, if such property and services are subject to taxation by ~~[the~~  
 9 ~~state of Missouri]~~ this state under chapter 144 ~~[pursuant to the provisions of sections 144.010 to~~  
 10 ~~144.525]~~. Any district sales tax imposed ~~[pursuant to]~~ under this section shall be imposed at a rate  
 11 that shall be uniform throughout the subdistricts approving the sales tax.

12 ~~[8. The resolution imposing the sales tax pursuant to this section shall impose upon all~~  
 13 ~~sellers a tax for the privilege of engaging in the business of selling tangible personal property or~~  
 14 ~~rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to~~  
 15 ~~144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that~~  
 16 ~~the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be~~  
 17 ~~reported and returned to and collected by the district.~~

18 ~~9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the~~  
 19 ~~district shall perform all functions incident to the administration, collection, enforcement, and~~  
 20 ~~operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported~~  
 21 ~~upon such forms and under such administrative rules and regulations as may be prescribed by the~~  
 22 ~~district.~~

23 ~~2)]~~ 6. After the effective date of any tax imposed under the provisions of this section, the  
 24 director of revenue shall perform all functions incident to the administration, collection,  
 25 enforcement, and operation of the tax and collect, in addition to the sales tax for this state, the  
 26 additional tax authorized under the authority of this section. The tax imposed under this section and  
 27 the tax imposed under the sales tax law of this state shall be collected together and reported upon  
 28 such forms and under such administrative rules and regulations as may be prescribed by the director  
 29 of revenue.

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

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

40 ~~10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the~~  
 41 ~~state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality~~  
 42 ~~provision, shall apply to the collection of the tax imposed by this section, except as modified in this~~  
 43 ~~section.~~

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

48 ~~(3) The same sales tax permit, exemption certificate, and retail certificate required by~~  
 49 ~~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 district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

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

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

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail 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 made in the district which are subject to sales tax under chapter 144 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] rate of percent) 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 subsection 19 of 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] rate of percent) 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]~~ as provided by subsection 19 of section 32.087. If the district abolishes the tax, the district shall notify the director of revenue of the action prior to the effective date of the repeal, and the repeal shall be effective as provided by subsection 19 of section 32.087.

~~[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]~~ under 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]~~ under 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."; and

Further amend said bill, Page 11, Section 94.510, Line 44, by inserting after said section and line the following:

"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]~~ improvement 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]~~ as provided by subsection 19 of section 32.087. 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]~~ by [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

1 tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the  
 2 designated purposes. Any funds in the special trust fund which are not needed for current  
 3 expenditures shall be invested in the same manner as other funds are invested. Any interest and  
 4 moneys earned on such investments shall be credited to the fund.

5 4. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the  
 6 amounts in the trust fund and credited to any city for erroneous payments and overpayments made,  
 7 and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city  
 8 abolishes the tax, the city shall notify the director of revenue of the action ~~[at least ninety days~~  
 9 ~~before]~~ prior to the effective date of the repeal, and the repeal shall be effective as provided by  
 10 subsection 19 of section 32.087. The director of revenue may order retention in the trust fund, for a  
 11 period of one year, of two percent of the amount collected after receipt of such notice to cover  
 12 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to  
 13 the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax  
 14 in such city, the director of revenue shall remit the balance in the account to the city and close the  
 15 account of that city. The director of revenue shall notify each city of each instance of any amount  
 16 refunded.

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

20 Shall \_\_\_\_\_ (insert the name of the city) repeal the sales tax imposed at a  
 21 rate of \_\_\_\_\_ (insert rate of percent) percent for capital improvements purposes in the city's  
 22 center city?

23 ☐ YES

24 ☐ NO

25 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
 26 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as  
 27 provided by subsection 19 of section 32.087. If a majority of the votes cast on the question by the  
 28 qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section  
 29 shall remain effective until the question is resubmitted under this section to the qualified voters, and  
 30 the repeal is approved by a majority of the qualified voters voting on the question. If the city or  
 31 county abolishes the tax, the city or county shall notify the director of revenue of the action prior to  
 32 the effective date of the repeal, and the repeal shall be effective as provided by subsection 19 of  
 33 section 32.087.

34 6. Whenever the governing body of any city that has adopted the sales tax authorized in this  
 35 section receives a petition, signed by ten percent of the registered voters of the city voting in the last  
 36 gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the  
 37 governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the  
 38 votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that  
 39 repeal shall become effective ~~[upon December thirty-first of the calendar year in which such repeal~~  
 40 ~~was approved]~~ as provided by subsection 19 of section 32.087. If a majority of the votes cast on the  
 41 question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain  
 42 effective until the question is resubmitted under this section to the qualified voters and the repeal is  
 43 approved by a majority of the qualified voters voting on the question.

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

46 94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing  
 47 body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

48 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on ~~[the~~  
 49 ~~receipts from the sale at]~~ all retail [of all tangible personal property or taxable services at retail]

1 sales within any city adopting such tax, if such property and services are subject to taxation by ~~[the~~  
2 ~~state of Missouri]~~ this state under [the provisions of sections 144.010 to 144.525] chapter 144.

3 3. With respect to any tax increment financing plan originally approved by ordinance of the  
4 city council after March 31, 2009, in any home rule city with more than four hundred thousand  
5 inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed  
6 under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is  
7 defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be  
8 subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of  
9 section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to  
10 94.655 for constructing and operating a light-rail transit system shall not be considered economic  
11 activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived  
12 from such tax shall not be subject to allocation under the provisions of subsection 3 of section  
13 99.845 or subsection 4 of section 99.957.

14 4. ~~[If the boundaries of a city in which such sales tax has been imposed shall thereafter be~~  
15 ~~changed or altered, the city or county clerk shall forward to the director of revenue by United States~~  
16 ~~registered mail or certified mail a certified copy of the ordinance adding or detaching territory from~~  
17 ~~the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map~~  
18 ~~of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the~~  
19 ~~ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added~~  
20 ~~territory or abolished in the detached territory on the effective date of the change of the city~~  
21 ~~boundary.] Except as modified by this section, all provisions of sections 32.085 to 32.087 shall~~  
22 apply to the tax imposed under this section.

23 94.660. 1. The governing body of any city not within a county and any county of the first  
24 classification having a charter form of government with a population of over nine hundred thousand  
25 inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for  
26 submission to the voters of that city or county at an authorized election date selected by the  
27 governing body.

28 2. Any sales tax approved under this section shall be imposed on ~~[the receipts from the sale~~  
29 ~~at] all retail [of all tangible personal property or taxable services]~~ sales within the city or county  
30 adopting the tax, if such property and services are subject to taxation by ~~[the state of Missouri]~~ this  
31 state under [sections 144.010 to 144.525] chapter 144.

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

33 Shall the county/city of \_\_\_\_\_ (county's or city's name) impose a  
34 county/city-wide sales tax of \_\_\_\_\_ (insert rate of percent) percent for the purpose of  
35 providing a source of funds for public transportation purposes?

36 ☐ YES

37 ☐ NO

38 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or  
39 city not within a county on the proposal by the qualified voters voting thereon are in favor of the  
40 proposal, then the tax shall go into effect ~~[on the first day of the next calendar quarter beginning~~  
41 ~~after its adoption and notice to the director of revenue, but no sooner than thirty days after such~~  
42 ~~adoption and notice]~~ as provided by subsection 19 of section 32.087. If a majority of the votes cast  
43 in that county or city not within a county by the qualified voters voting are opposed to the proposal,  
44 then the additional sales tax shall not be imposed in that county or city not within a county unless  
45 and until the governing body of that county or city not within a county shall have submitted another  
46 proposal to authorize the local option transportation sales tax authorized in this section, and such  
47 proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal  
48 ~~[pursuant to]~~ under this section be submitted to the voters sooner than twelve months from the date  
49 of the last proposal.

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

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

8           6. All sales taxes collected by the director of revenue under this section on behalf of any city  
9 or county ~~[, less one percent for cost of collection which shall be deposited in the state's general~~  
10 ~~revenue fund after payment of premiums for surety bonds,]~~ shall be deposited with the state  
11 treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit  
12 Sales Tax Trust Fund". ~~[The sales taxes shall be collected as provided in section 32.087.]~~ The  
13 moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any  
14 funds of the state. The director of revenue shall keep accurate records of the amount of money in  
15 the trust fund which was collected in each city or county approving a sales tax under this section,  
16 and the records shall be open to inspection by officers of the city or county and the public. Not later  
17 than the tenth day of each month the director of revenue shall distribute all moneys deposited in the  
18 trust fund during the preceding month to the city or county which levied the tax, and such funds  
19 shall be deposited with the treasurer of each such city or county and all expenditures of funds arising  
20 from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by  
21 the governing body of each such county or city not within a county.

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

25           8. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the  
26 amount in the trust fund and credited to any city or county for erroneous payments and  
27 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such  
28 cities or counties. If any city or county abolishes the tax, the city or county shall notify the director  
29 of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal, and the repeal  
30 shall be effective as provided by subsection 19 of section 32.087. The director of revenue may  
31 order retention in the trust fund, for a period of one year, of two percent of the amount collected  
32 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem  
33 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
34 after the effective date of abolition of the tax in such city or county, the director of revenue shall  
35 ~~[authorize the state treasurer to]~~ remit the balance in the account to the city or county and close the  
36 account of that city or county. The director of revenue shall notify each city or county of each  
37 instance of any amount refunded or any check redeemed from receipts due the city or county.

38           9. Except as modified by this section, all provisions of sections 32.085 to 32.087 shall apply  
39 to the tax imposed under this section.

40           94.705. 1. Any city may by a majority vote of its governing body impose a sales tax on all  
41 retail sales made in the city which are subject to sales tax under chapter 144 for transportation  
42 purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes  
43 which shall be retired by the revenues received from the sales tax authorized by this section. The  
44 tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.  
45 No ordinance imposing a sales tax ~~[pursuant to the provisions of]~~ under this section shall become  
46 effective unless the council or other governing body submits to the voters of the city, at a city or  
47 state general, primary, or special election, a proposal to authorize the council or other governing  
48 body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized  
49 ~~[pursuant to]~~ under this section, to authorize such bonds and their retirement by such tax; except that

no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

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

Shall the city of \_\_\_\_\_ (city's name) impose a sales tax of \_\_\_\_\_ (insert [amount] rate of percent) for transportation 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";

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

Shall the city of \_\_\_\_\_ (city's name) issue bonds in the amount of \_\_\_\_\_ (insert amount) for transportation purposes and impose a sales tax of \_\_\_\_\_ (insert [amount] rate of percent) to repay such bonds?

☐ 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, 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 as provided by subsection 19 of section 32.087. 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 as provided by subsection 19 of section 32.087. 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]~~ chapter 144.

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]~~ under this section for the purpose of retiring bonds issued ~~[pursuant to]~~ under this section may be terminated until all of such bonds have been retired.

5. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section."; and

Further amend said bill, Pages 13-15, Section 94.900, Lines 1-99, by deleting all of said section and lines and inserting in lieu there of the following:

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

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

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

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

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

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

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

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

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

(i) Any city of the third classification with more than thirteen thousand but fewer than fifteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants.

(2) The governing body of any city listed in subdivision (1) of this subsection 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 city which are subject to taxation under the provisions of ~~[sections 144.010 to 144.525]~~ chapter 144 for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. 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 city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

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

Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of \_\_\_\_\_ (insert amount) for the purpose of improving the public safety of 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 submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city 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 city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. 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 improving the public safety for the city. 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 city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, 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 "City Public Safety Sales Tax Trust Fund". 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 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may 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 the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department 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 the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

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

Further amend said bill. Page 26, Section 143.1028, Line 33, by inserting the following after said section and line:

"144.010. ~~[4-]~~ 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]~~ under chapter 144;

(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 washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators, and freezers;

(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) Carbonation;

(c) Fluoride;

(d) Oxygen;

(e) Preservatives;

(f) Vitamins, minerals, and electrolytes; or

(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 subdivision, 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; or

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

(c) As used in this subdivision, 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; and

(d) A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

a. A retail sale of tangible personal property and a service, if the tangible personal property is essential to the use of the service and is provided exclusively in connection with the service, and the true object of the transaction is the service;

b. A retail sale of services if one service is provided that is essential to the use of receipt of a second service, the first service is provided exclusively in connection with the second service, and the true object of the transaction is the second service;

c. A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis. "De minimis" means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products. Sellers shall use the sales price of the products to determine if the taxable products are de minimis. Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

d. A retail sale of exempt tangible personal property and taxable tangible personal property if:

(i) The transaction included food and food ingredients, drugs, durable medical equipment, mobility-enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

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

(10) "Business", includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of [sections 144.010 to 144.525] chapter 144. [A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person engages in business activities within this state or maintains a place of business in this state under section 144.605.] The isolated or occasional sale of tangible personal

property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of [sections 144.010 to 144.525] chapter 144 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

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

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

(13) "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" shall not include any preparation containing flour and shall not require refrigeration;

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

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

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

(17) "Clothing":

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

(b) "Clothing" shall include, but is not limited to:

a. Aprons, household and shop;

b. Athletic supporters;

c. Baby receiving blankets;

d. Bathing suits and caps;

e. Beach capes and coats;

f. Belts and suspenders;

g. Boots;

h. Coats and jackets;

i. Costumes;

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

k. Ear muffs;

l. Footlets;

m. Formal wear;

n. Garters and garter belts;

o. Girdles;

p. Gloves and mittens for general use;

q. Hats and caps;

r. Hosiery;

s. Insoles for shoes;

- 1 t. Lab coats;
- 2 u. Neckties;
- 3 v. Overshoes;
- 4 w. Pantyhose;
- 5 x. Rainwear;
- 6 y. Rubber pants;
- 7 z. Sandals;
- 8 aa. Scarves;
- 9 bb. Shoes and shoe laces;
- 10 cc. Slippers;
- 11 dd. Sneakers;
- 12 ee. Socks and stockings;
- 13 ff. Steel-toed shoes;
- 14 gg. Underwear;
- 15 hh. Uniforms, athletic and nonathletic; and
- 16 ii. Wedding apparel; and
- 17 (c) "Clothing" shall not include:
- 18 a. Belt buckles sold separately;
- 19 b. Costume masks sold separately;
- 20 c. Patches and emblems sold separately;
- 21 d. Sewing equipment and supplies including, but not limited to, knitting needles, patterns,
- 22 pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; or
- 23 e. Sewing materials that become part of clothing including, but not limited to, buttons,
- 24 fabric, lace, thread, yarn, and zippers;
- 25 (18) "Clothing accessories and equipment", incidental items worn on the person or in
- 26 conjunction with clothing. "Clothing accessories and equipment" is mutually exclusive of clothing,
- 27 sport or recreational equipment, and protective equipment;
- 28 (19) "Coin-operated telephone service", a telecommunications service paid for by inserting
- 29 moneys into a telephone accepting direct deposits of moneys to operate;
- 30 (20) "Communications channel", a physical or virtual path of communications over which
- 31 signals are transmitted between or among customer channel termination points;
- 32 (21) "Computer", an electronic device that accepts information in digital or similar form and
- 33 manipulates it for a result based on a sequence of instructions;
- 34 (22) "Computer software", a set of coded instructions designed to cause a computer or
- 35 automatic data processing equipment to perform a task. "Computer software" shall not include
- 36 specified digital products, digital audio-visual works, digital audio works, or digital books;
- 37 (23) "Conference bridging service", an ancillary service that links two or more participants
- 38 of an audio or video conference call and may include the provision of a telephone number.
- 39 "Conference bridging service" shall not include the telecommunications services used to reach the
- 40 conference bridge;
- 41 (24) "Customer", the person or entity that contracts with the seller of telecommunications
- 42 services. If the end user of the telecommunications service is not the contracting party, the end user
- 43 of the telecommunications service is the customer of the telecommunications service, but this
- 44 definition only applies to the purpose of sourcing sales of telecommunications services under
- 45 section 144.114. "Customer" shall not include a reseller of telecommunications service or, for
- 46 mobile telecommunications, service of a serving carrier under an agreement to serve the customer
- 47 outside the home service provider's licensed service area;
- 48 (25) "Customer channel termination point", the location where the customer either inputs or
- 49 receives the communication;

1 (26) "Delivered electronically", delivered to the purchaser by means other than tangible  
 2 storage media;

3 (27) "Delivery charges", charges by the seller of personal property or services for  
 4 preparation and delivery to a location designated by the purchaser of personal property or services  
 5 including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

6 (28) "Detailed telecommunications billing service", an ancillary service of separately stated  
 7 information pertaining to individual calls on a customer's billing statement;

8 (29) "Dietary supplement", any product, other than tobacco, intended to supplement the diet  
 9 that contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other  
 10 botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing  
 11 the total dietary intake, or a concentrate, metabolite, constituent, extract, or combination of any  
 12 ingredient described above; that is intended for ingestion in tablet, capsule, powder, softgel, gelcap,  
 13 or liquid form or, if not intended for ingestion in such a form, is not represented as a conventional  
 14 food and is not represented for use as a sole item of a meal or of the diet; and that is required to be  
 15 labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as  
 16 required under 21 CFR Section 101.36;

17 (30) "Digital audio works", works that result from the fixation of a series of musical,  
 18 spoken, or other sounds, including ringtones;

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

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

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

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

31 (35) "Drug", a compound, substance, or preparation, and any component of a compound,  
 32 substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic  
 33 beverages, or grooming and hygiene products;

34 (a) Recognized in the official United States Pharmacopoeia, official Homeopathic  
 35 Pharmacopoeia of the United States, official National Formulary, or a supplement to any of them;

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

37 (c) Intended to affect the structure or any function of the body.

38  
 39 "Drug" shall include insulin and medical oxygen;

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

42 (a) Can withstand repeated use;

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

44 (c) Is generally not useful to a person in the absence of illness or injury;

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

46 (e) Is for home use;

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

49 (g) Shall not include:

- 1       a. Kidney dialysis equipment not worn in or on the body, including repair and replacement  
 2 parts; or  
 3       b. Enteral feeding systems not worn in or on the body, including repair and replacement  
 4 parts.

5  
 6 As used in this subdivision, repair and replacement parts shall include all components or  
 7 attachments used in conjunction with the durable medical equipment;

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

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

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

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

17       (a) Shall include:

18       a. Maintaining or having a franchisee or licensee operating under the seller's trade name in  
 19 this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to  
 20 144.527; or

21       b. Soliciting sales or taking orders by sales agents or traveling representatives;

22       (b) A vendor is presumed to engage in business activities within this state if any person,  
 23 other than a common carrier acting in its capacity as such, that has substantial nexus with this state:

24       a. Sells a similar line of products as the vendor and does so under the same or a similar  
 25 business name;

26       b. Maintains an office, distribution facility, warehouse, storage place, or similar place of  
 27 business in the state to facilitate the delivery of property or services sold by the vendor to the  
 28 vendor's customers;

29       c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers  
 30 within the state;

31       d. Facilitates the vendor's delivery of property to customers in the state by allowing the  
 32 vendor's customers to pick up property sold by the vendor at an office, distribution facility,  
 33 warehouse, storage place, or similar place of business maintained by the person in the state; or

34       e. Conducts any other activities in the state that are significantly associated with the  
 35 vendor's ability to establish and maintain a market in the state for the sales;

36       (c) The presumption in paragraph (b) of this subdivision may be rebutted by demonstrating  
 37 that the person's activities in the state are not significantly associated with the vendor's ability to  
 38 establish or maintain a market in this state for the vendor's sales;

39       (d) Notwithstanding paragraph (b) of this subdivision, a vendor shall be presumed to engage  
 40 in business activities within this state if the vendor enters into an agreement with one or more  
 41 residents of this state under which the resident, for a commission or other consideration, directly or  
 42 indirectly refers potential customers, whether by a link on an internet website, an in-person oral  
 43 presentation, telemarketing, or otherwise, to the vendor if the cumulative gross receipts from sales  
 44 by the vendor to referred customers in the state by all residents with this type of an agreement with  
 45 the vendor is in excess of ten thousand dollars during the preceding twelve months; and

46       (e) The presumption in paragraph (d) of this subdivision may be rebutted by submitting  
 47 proof that the residents with whom the vendor has an agreement did not engage in any activity  
 48 within the state that was significantly associated with the vendor's ability to establish or maintain the  
 49 vendor's market in the state during the preceding twelve months. Such proof may consist of sworn

written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the vendor during the preceding year, provided that such statements were provided and obtained in good faith;

(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 vending machines", food, food ingredients, prepared food, bottled water, candy, soft drinks and other beverages, 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 sunscreens, 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. The term gross receipts shall not include usual and customary delivery charges that are stated separately from the sale price;] 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 and is valued in moneys, whether received in moneys 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) The term shall not include:

a. Discounts, including cash, term, or coupons, that are not reimbursed by a third party and 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

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

(c) The term shall include consideration received by the seller from third parties if:

a. The seller actually receives consideration from a party other than the purchaser, and the

1 consideration is directly related to a price reduction or discount on the sale;

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

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

6 d. One of the following criteria is met:

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

11 (ii) The purchaser identifies himself or herself to the seller as a member of a group or  
12 organization entitled to a price reduction or discount. A preferred customer card that is available to  
13 any patron shall not constitute membership in such a group; or

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

17 (45) "Home service provider", the same as such term is defined under the Mobile  
18 Telecommunications Sourcing Act, Section 124(5) of Pub. L. 106-252;

19 ~~[(5)]~~ (46) "Instructional class", includes any class, lesson, or instruction intended or used for  
20 teaching;

21 (47) "Lease or rental":

22 (a) Any transfer of possession or control of tangible personal property for a fixed or  
23 indeterminate term for consideration. "Lease or rental" may include future options to purchase or  
24 extend;

25 (b) "Lease or rental" shall not include:

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

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

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

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

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

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

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

47 ~~[(6)]~~ (51) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,  
48 ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk  
49 documented as obtained from a legal source and not from the wild, goats, horses, other equine,

honey bees, or rabbits raised in confinement for human consumption;

[(7)] (52) "Load and leave", delivery to the purchaser by use of a tangible storage media if the tangible storage media is not physically transferred to the purchaser;

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

(54) "Manufactured home", the same meaning as such term is defined under section 700.010;

(55) "Mobile telecommunications service", the same as such term is defined under the Mobile Telecommunications Sourcing Act, Section 124(7) of Pub. L. 106-252;

(56) "Mobility-enhancing equipment", equipment, including repair and replacement parts to the same, that:

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

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

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

"Mobility-enhancing equipment" shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

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

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

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

(60) "Model 4 seller", a seller that is registered under the agreement and is not a model 1 seller, a model 2 seller, or a model 3 seller;

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

[(8)] (62) "Optional computer software maintenance contract", a computer software maintenance contract that a customer is not obligated to purchase as a condition to the retail sale of computer software;

(63) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. "Other direct mail" includes, but is not limited to:

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

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

(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;

(64) "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;

(65) "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, or any other legal entity, and the plural as well as the singular number;

[99] (66) "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;

(67) "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 a charge made to a telephone number that 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;

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

(69) "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 and content and ancillary services, that is paid for in advance and that is sold in predetermined units or dollars which decrease with use in a known amount;

(70) "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, or eggs, fish, meat, poultry, or 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 foodborne illnesses;

(71) "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;

(72) "Prewritten computer software", computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. "Prewritten computer software" shall include software designed and developed by the author or other creator to the specifications of a specific purchaser if it is sold to a person other than the specific purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, if such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided that, such modification or enhancement shall not constitute prewritten computer software where there is a reasonable, separately stated charge, invoice, or other statement of the price given to the purchaser;

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

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

(75) "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;

~~[(10)]~~ (76) "Prosthetic device", a replacement, corrective, or supportive device, including repair and replacement parts for the same, worn on or in the body to artificially replace a missing portion of the body, prevent or correct a physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

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

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

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

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

~~[(11)]~~ (81) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft kit, or light aircraft parts or components who is a nonresident of this state; who will transport the light aircraft, light aircraft kit, or light aircraft parts or components outside this state within ten days after the date of purchase; and who will register any light aircraft so purchased in another state or country. A qualified light aircraft purchaser shall not base the light aircraft, light aircraft kit, or light aircraft parts in this state, and a qualified light aircraft purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;

(82) "Receive" or "receipt", taking possession of tangible personal property, making first use of services, or taking possession or making first use of digital goods, whichever comes first.

1 "Receive" or "receipt" shall not include possession by a shipping company on behalf of the  
 2 purchaser;

3 (83) "Registered under the agreement", registration by a seller with the member states under  
 4 the central registration system provided in article IV of the agreement;

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

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

16 ~~———(13)]~~ (85) "Sale at retail" [means any transfer made by any person engaged in business as  
 17 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or  
 18 consumption and not for resale in any form as tangible personal property, for a valuable  
 19 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed  
 20 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,  
 21 optometrists and veterinarians and used in the practice of their professions shall be deemed to be  
 22 purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,  
 23 computer output or microfilm or microfiche and computer-assisted photo compositions to a  
 24 purchaser to enable the purchaser to obtain for his or her own use the desired information contained  
 25 in such computer printouts, computer output on microfilm or microfiche and computer-assisted  
 26 photo compositions shall be considered as the sale of a service and not as the sale of tangible  
 27 personal property] or "retail sale", any sale, lease, or rental for any purpose other than for resale,  
 28 sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians,  
 29 dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed  
 30 to be purchases for use or consumption and not for resale. Where necessary to conform to the  
 31 context of [sections 144.010 to 144.525] chapter 144 and the tax imposed thereby, the term sale at  
 32 retail shall be construed to embrace:

33 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of  
 34 amusement, entertainment and recreation, games and athletic events, except amounts paid for any  
 35 instructional class;

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

38 (c) Sales of [local and long distance] telecommunications [service to telecommunications  
 39 subscribers] services and [to others through equipment of telecommunications subscribers for the  
 40 transmission of messages and conversations,] ancillary services and the sale, rental or leasing of all  
 41 equipment or services pertaining or incidental thereto;

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

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

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

1 (86) "Sales price", see "gross receipts";

2 (87) "School art supply":

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

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

7 a. Clay and glazes;

8 b. Paints: acrylic, tempera, and oil;

9 c. Paintbrushes for artwork;

10 d. Sketch and drawing pads; and

11 e. Watercolors;

12 (88) "School computer supply":

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

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

17 a. Computer storage media, diskettes, and compact discs;

18 b. Hand-held electronic schedulers, except devices that are cellular phones;

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

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

21 (89) "School instructional material":

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

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

26 a. Reference books;

27 b. Reference maps and globes;

28 c. Textbooks; and

29 d. Workbooks;

30 (90) "School supply":

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

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

35 a. Binders;

36 b. Blackboard chalk;

37 c. Book bags;

38 d. Calculators;

39 e. Cellophane tape;

40 f. Compasses;

41 g. Composition books;

42 h. Crayons;

43 i. Erasers;

44 j. Folders: expandable, pocket, plastic, and manila;

45 k. Glue, paste, and paste sticks;

46 l. Highlighters;

47 m. Index cards;

48 n. Index card boxes;

49 o. Legal pads;

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

14 ~~[(14)]~~ (91) "Seller" [means] , a person [selling or furnishing tangible] making sales, leases,  
 15 or rentals of personal property or [rendering services, on the receipts from which a tax is imposed  
 16 pursuant to section 144.020] services;

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

21 (93) "Service address":

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

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

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

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

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

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

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

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

45 ~~[(15) The noun "tax"]~~ (99) "Tax" [means] , either the tax payable by the purchaser of a  
 46 commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such  
 47 commodities or services during the period for which he or she is required to report his or her  
 48 collections, as the context may require; [and]

49 (100) "Taxpayer", any person remitting the tax or who should remit the tax levied by this

chapter;

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

~~[(16)] (102) "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.] :~~

(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; and

(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 if 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), 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 ringtones;

(103) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco;

(104) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

1 (b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand  
 2 one pounds or greater, trailers, semitrailers, or passenger buses that are:

3 a. Registered through the International Registration Plan; and

4 b. Operated under authority of a carrier authorized and certificated by the United States  
 5 Department of Transportation or another federal authority to engage in the carriage of persons or  
 6 property in interstate commerce;

7 (c) Aircraft that are operated by air carriers authorized and certificated by the United States  
 8 Department of Transportation or another federal or a foreign authority to engage in the carriage of  
 9 persons or property in interstate or foreign commerce; or

10 (d) Containers designed for use on, and component parts attached or secured on, the items  
 11 set forth in paragraphs (a) to (c) of this subdivision;

12 (105) "Use", the exercise of any right or power over tangible personal property incident to  
 13 the ownership or control of that property, except that it does not include the temporary storage of  
 14 property in this state for subsequent use outside the state or the sale of the property in the regular  
 15 course of business;

16 (106) "Use-based exemption", an exemption based on a specified use of the product by the  
 17 purchaser;

18 (107) "Vendor", every person engaged in making sales of tangible personal property by mail  
 19 order, by advertising, by agent, or by peddling, soliciting, or taking orders for sales of tangible  
 20 personal property for storage, use, or consumption in this state; all salespersons, solicitors, hawkers,  
 21 representatives, consignees, peddlers, or canvassers, as agents of the dealers, distributors,  
 22 consignors, supervisors, principals, or employers under whom they operate or from whom they  
 23 obtain the tangible personal property sold by them; every person who maintains a place of business  
 24 in this state, maintains a stock of goods in this state, or engages in business activities within this  
 25 state; and every person who engages in this state in the business of acting as a selling agent for  
 26 persons not otherwise vendors as defined in this subdivision. Distributors, consignors, supervisors,  
 27 principals, and employers shall be regarded as vendors, irrespective of whether they are making  
 28 sales on their own or on behalf of the dealers, and such distributors, consignors, supervisors,  
 29 principals, employers, and dealers shall be regarded as vendors for the purposes of sections 144.600  
 30 to 144.745.

31 ~~[2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other~~  
 32 ~~provisions of law pertaining to sales or use taxes which incorporate the provisions of sections~~  
 33 ~~144.010 to 144.525 by reference, the term manufactured homes shall have the same meaning given~~  
 34 ~~it in section 700.010.~~

35 ~~—— 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".]~~

36 ~~144.011. 1. For purposes of [sections 144.010 to 144.525 and 144.600 to 144.748] chapter~~  
 37 ~~144, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be~~  
 38 ~~construed to include any of the following:~~

39 ~~(1) The transfer by one corporation of substantially all of its tangible personal property to~~  
 40 ~~another corporation pursuant to a merger or consolidation effected under the laws of the state of~~  
 41 ~~Missouri or any other jurisdiction;~~

42 ~~(2) The transfer of tangible personal property incident to the liquidation or cessation of a~~  
 43 ~~taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to~~  
 44 ~~the extent any transfer is made in the ordinary course of the taxpayer's trade or business;~~

45 ~~(3) The transfer of tangible personal property to a corporation solely in exchange for its~~  
 46 ~~stock or securities;~~

47 ~~(4) The transfer of tangible personal property to a corporation by a shareholder as a~~  
 48 ~~contribution to the capital of the transferee corporation;~~

49 ~~(5) The transfer of tangible personal property to a partnership solely in exchange for a~~

1 partnership interest therein;

2 (6) The transfer of tangible personal property by a partner as a contribution to the capital of  
3 the transferee partnership;

4 (7) The transfer of tangible personal property by a corporation to one or more of its  
5 shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the  
6 corporation or distribution in redemption of the shareholder's interest therein;

7 (8) The transfer of tangible personal property by a partnership to one or more of its partners  
8 as a current distribution, return of capital or distribution in the partial or complete liquidation of the  
9 partnership or of the partner's interest therein;

10 (9) The transfer of reusable containers used in connection with the sale of tangible personal  
11 property contained therein for which a deposit is required and refunded on return;

12 (10) The purchase by persons operating eating or food service establishments, of items of a  
13 nonreusable nature which are furnished to the customers of such establishments with or in  
14 conjunction with the retail sales of their food or beverage. Such items shall include, but not be  
15 limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum  
16 articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and  
17 toothpicks;

18 (11) The purchase by persons operating hotels, motels or other transient accommodation  
19 establishments, of items of a nonreusable nature which are furnished to the guests in the guests'  
20 rooms of such establishments and such items are included in the charge made for such  
21 accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other  
22 toiletries and food or confectionery items offered to the guests without charge;

23 (12) The transfer of a manufactured home other than:

24 (a) A transfer which involves the delivery of the document known as the "Manufacturer's  
25 Statement of Origin" to a person other than a manufactured home dealer, as defined in section  
26 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the  
27 department of revenue of this state or the appropriate agency or officer of any other state;

28 (b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state  
29 if the tax imposed by ~~[sections 144.010 to 144.525]~~ chapter 144 was not paid on the transfer of the  
30 manufactured home described in paragraph (a) of this subdivision;

31 (c) The first transfer which occurs after December 31, 1985, if the tax imposed by ~~[sections~~  
32 ~~144.010 to 144.525]~~ chapter 144 was not paid on any transfer of the same manufactured home  
33 which occurred before December 31, 1985; or

34 (13) Charges for initiation fees or dues to:

35 (a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations  
36 operating under the lodge system a substantial part of the activities of which are devoted to  
37 religious, charitable, scientific, literary, educational or fraternal purposes;

38 (b) Posts or organizations of past or present members of the Armed Forces of the United  
39 States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization  
40 substantially all of the members of which are past or present members of the Armed Forces of the  
41 United States or who are cadets, spouses, widows, or widowers of past or present members of the  
42 Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any  
43 private shareholder or individual; or

44 (c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal  
45 Revenue Code of 1986, as amended.

46 2. The assumption of liabilities of the transferor by the transferee incident to any of the  
47 transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not  
48 disqualify the transfer from the exclusion described in this section, where such liability assumption  
49 is related to the property transferred and where the assumption does not have as its principal purpose

1 the avoidance of Missouri sales or use tax.

2 144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1,  
3 1997, the tax levied and imposed ~~[pursuant to sections 144.010 to 144.525 and sections 144.600 to~~  
4 ~~144.746]~~ under chapter 144 on all retail sales of food, food sold through vending machines, and  
5 food ingredients shall be at the rate of one percent. The revenue derived from the one percent rate  
6 ~~[pursuant to]~~ under this section shall be deposited by the state treasurer in the school district trust  
7 fund and shall be distributed as provided ~~[in]~~ under section 144.701.

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

19  
20 Further amend said bill, Pages 26-29, Section 144.020, Lines 1-87, by deleting all of said section  
21 and lines and inserting in lieu there of the following:

22  
23 "144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used  
24 motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways  
25 or waters of this state which are required to be titled under the laws of the state of Missouri and,  
26 except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging  
27 in the business of selling tangible personal property or rendering taxable service at retail in this  
28 state. The rate of tax shall be as follows:

29 (1) Upon every retail sale in this state of tangible personal property, excluding motor  
30 vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be  
31 titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this  
32 subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such  
33 sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or  
34 charged, including the fair market value of the property exchanged at the time and place of the  
35 exchange, except as otherwise provided in section 144.025;

36 (2) A tax equivalent to four percent of the amount paid for admission and seating  
37 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games  
38 and athletic events, except amounts paid for any instructional class;

39 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of  
40 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or  
41 industrial consumers;

42 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and  
43 long distance telecommunications service to telecommunications subscribers and to others through  
44 equipment of telecommunications subscribers for the transmission of messages and conversations,  
45 upon ancillary services, and upon the sale, rental, or leasing of all equipment or services pertaining  
46 or incidental thereto; except that, the payment made by telecommunications subscribers or others,  
47 ~~[pursuant to]~~ under section 144.060, and any amounts paid for access to the internet or interactive  
48 computer services shall not be considered as amounts paid for telecommunications services;

49 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services

1 for transmission of messages of telegraph companies;

2 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals  
3 and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car,  
4 tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the  
5 public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity  
6 for a large group imposed by a restaurant when such gratuity is reported as employee tip income and  
7 the restaurant withholds income tax under section 143.191 on such gratuity;

8 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by  
9 every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses  
10 and trucks as are licensed by the division of motor carrier and railroad safety of the department of  
11 economic development of Missouri, engaged in the transportation of persons for hire;

12 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of  
13 tangible personal property, provided that if the lessor or renter of any tangible personal property had  
14 previously purchased the property under the conditions of sale at retail or leased or rented the  
15 property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or  
16 subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental  
17 receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles,  
18 mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in  
19 this section and section 144.070. In no event shall the rental or lease of boats and outboard motors  
20 be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation  
21 nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of  
22 amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed  
23 under the provisions of the sales tax laws as provided under such laws for motor vehicles and  
24 trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030  
25 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

26 (9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of  
27 new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on  
28 the highways or waters of this state which are required to be registered under the laws of the state of  
29 Missouri. This tax is imposed on the person titling such property, and shall be paid according to the  
30 procedures in section 144.440.

31 2. All tickets sold which are sold under the provisions of ~~[sections 144.010 to 144.525]~~ this  
32 chapter which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon,  
33 the words "This ticket is subject to a sales tax.".

34 144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon  
35 the privilege of engaging in the business, in this state, of selling tangible personal property and those  
36 services listed in section 144.020 and for the privilege of titling new and used motor vehicles,  
37 trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this  
38 state which are required to be registered under the laws of the state of Missouri. Except as  
39 otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of  
40 property or service and is levied at the rate provided for in section 144.020. Excluding subdivision  
41 (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and 144.450, the extent to  
42 which a seller is required to collect the tax from the purchaser of the taxable property or service is  
43 governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all  
44 sellers to report to the director of revenue their "gross receipts", defined herein to mean the  
45 aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross  
46 receipts.

47 2. If any item of tangible personal property or service determined to be taxable under the  
48 sales tax law or the compensating use tax law is modified by a decision or order of:

49 (1) The director of revenue;

- 1 (2) The administrative hearing commission; or  
 2 (3) A court of competent jurisdiction;  
 3

4 which changes which items of tangible personal property or services are taxable, and a reasonable  
 5 person would not have expected the decision or order based solely on prior law or regulation, all  
 6 affected sellers shall be notified by the department of revenue before such modification shall take  
 7 effect for such sellers. Failure of the department of revenue to notify a seller shall relieve such  
 8 seller of liability for taxes that would be due under the modification until the seller is notified. The  
 9 waiver of liability for taxes under this subsection shall only apply to sellers actively selling the type  
 10 of tangible personal property or service affected by the decision on the date the decision or order is  
 11 made or handed down and shall not apply to any seller that has previously remitted tax on the  
 12 tangible personal property or taxable services subject to the decision or order or to any seller that  
 13 had prior notice that the seller must collect and remit the tax.

14 3. The notification required by subsection 2 of this section shall be delivered by United  
 15 States mail, electronic mail, or other secure electronic means of direct communications. The  
 16 department of revenue shall update its website with information regarding modifications in sales tax  
 17 law but such updates shall not constitute a notification required by subsection 2 of this section.

18 4. Notwithstanding any other provision of law, any seller, as defined in section 144.010,  
 19 selling tangible personal property or services herein designated and defined as taxable under the  
 20 terms of sections 144.010 to 144.560 for delivery into this state, who does not have a physical  
 21 presence in this state, is subject to sections 144.010 to 144.560, shall remit the sales tax, and shall  
 22 follow all applicable procedures and requirements of law as if the seller had a physical presence in  
 23 this state, provided the seller meets either of the following criteria in the previous or current  
 24 calendar year:

25 (1) The seller's gross revenue from delivery of tangible personal property into this state in  
 26 the previous or current calendar year exceeds one hundred thousand dollars; or

27 (2) The seller sold tangible personal property into this state in two hundred or more separate  
 28 transactions in the previous or current calendar year.

29  
 30 No obligation to collect and remit sales tax required by this subsection shall be applied before  
 31 January 1, 2020.

32 144.022. 1. In the case of a bundled transaction that includes any telecommunications  
 33 service, ancillary service, internet access, or audio or video programming service:

34 (1) If the price is attributable to products that are taxable and products that are nontaxable,  
 35 the portion of the price attributable to the nontaxable products may be subject to tax unless the  
 36 provider can identify, by reasonable and verifiable standards, such portion from its books and  
 37 records that are kept in the regular course of business for other purposes including, but not limited  
 38 to, non-tax purposes; and

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

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

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

48 (2) If an optional computer software maintenance contract only obligates the vendor to  
 49 provide support services, it shall be characterized as a sale of services and not a sale of tangible

1 personal property; and

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

5 3. In the case of a bundled transaction that includes the retail sale of two or more products  
 6 not listed in subsection 1 or 2 of this section, if the price is attributable to products that are taxable  
 7 and products that are nontaxable, the bundled transaction is subject to tax and shall be taxable.

8 4. The provisions of this subsection shall apply unless otherwise provided by federal law.

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

17 2. There are also specifically exempted from the provisions of the local sales tax law as  
 18 defined in section 32.085, section 238.235, and [~~sections 144.010 to 144.525 and 144.600 to~~  
 19 ~~144.761~~] chapter 144 and from the computation of the tax levied, assessed or payable [~~pursuant to~~  
 20 under the local sales tax law as defined in section 32.085, section 238.235, and [~~sections 144.010 to~~  
 21 ~~144.525 and 144.600 to 144.745~~] chapter 144:

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

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

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

46 (4) Replacement machinery, equipment, and parts and the materials and supplies solely  
 47 required for the installation or construction of such replacement machinery, equipment, and parts,  
 48 used directly in manufacturing, mining, fabricating or producing a product which is intended to be  
 49 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] as under section 301.010. [For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.]~~ 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;

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

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

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

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

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

(10) Pumping machinery and equipment used to propel products delivered by pipelines

1 engaged as common carriers;

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

6 (12) Electrical energy used in the actual primary manufacture, processing, compounding,  
7 mining or producing of a product, or electrical energy used in the actual secondary processing or  
8 fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of  
9 this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so  
10 used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of  
11 the cost of electrical energy so used or if the raw materials used in such processing contain at least  
12 twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable  
13 presumption that the raw materials used in the primary manufacture of automobiles contain at least  
14 twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any  
15 mode of treatment, act or series of acts performed upon materials to transform and reduce them to a  
16 different state or thing, including treatment necessary to maintain or preserve such processing by the  
17 producer at the production facility;

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

20 (14) Machinery, equipment, appliances and devices purchased or leased and used solely for  
21 the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely  
22 required for the installation, construction or reconstruction of such machinery, equipment,  
23 appliances and devices;

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

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

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

40 (18) All sales of ~~[insulin, and all sales, rentals, repairs, and parts of durable medical~~  
41 ~~equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal~~  
42 ~~Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items~~  
43 ~~specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing~~  
44 ~~aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only~~  
45 ~~upon a lawful prescription of a practitioner licensed to administer those items, including samples~~  
46 ~~and materials used to manufacture samples which may be dispensed by a practitioner authorized to~~  
47 ~~dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and~~  
48 ~~accessories including parts, and hospital beds and accessories and ambulatory aids including parts,~~  
49 ~~and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille~~

1 ~~writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with~~  
 2 ~~one or more physical or mental disabilities to enable them to function more independently, all sales~~  
 3 ~~or rental of scooters including parts, and reading machines, electronic print enlargers and~~  
 4 ~~magnifiers, electronic alternative and augmentative communication devices, and items used solely~~  
 5 ~~to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or~~  
 6 ~~sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, and all sales of~~  
 7 prescription drugs, durable medical equipment, prosthetic devices, mobility-enhancing equipment,  
 8 kidney dialysis equipment and enteral feeding systems, and drugs required by the Food and Drug  
 9 Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66,  
 10 or its successor, as prescribed by a health care practitioner licensed to prescribe;

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

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

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

30 (22) All sales made to any private not-for-profit elementary or secondary school, all sales of  
 31 feed additives, medications or vaccines administered to livestock or poultry in the production of  
 32 food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or  
 33 fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of  
 34 propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops,  
 35 natural gas used in the primary manufacture or processing of fuel ethanol as defined in section  
 36 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an  
 37 eligible new generation processing entity as defined in section 348.432, and all sales of farm  
 38 machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges  
 39 on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal  
 40 property which, when mixed with feed for livestock or poultry, is to be used in the feeding of  
 41 livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as  
 42 crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or  
 43 enhance the effect of a pesticide and the foam used to mark the application of pesticides and  
 44 herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term  
 45 "farm machinery and equipment" means new or used farm tractors and such other new or used farm  
 46 machinery and equipment and repair or replacement parts thereon and any accessories for and  
 47 upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural  
 48 purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops,  
 49 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;

(23) 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, which~~ pipd natural or artificial gas, or other fuels delivered by the seller that 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]~~ under 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 and]~~ metered water service, electricity, pipd natural or artificial gas, or other fuels delivered by the seller 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 and]~~ metered water service, electricity, pipd natural or artificial gas, or other fuels delivered by the seller who uses any portion of the ~~[services or property]~~ metered water service, 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 use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

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

(25) Excise taxes, collected on sales at retail, imposed ~~[by]~~ under 26 U.S.C. Sections 4041,

4071, 4081, ~~[4091,]~~ 4161, 4181, 4251, 4261, and 4271 ~~[of Title 26, United States Code]~~. The director of revenue shall promulgate rules ~~[pursuant to]~~ under chapter 536 to eliminate all state and local sales taxes on such excise taxes;

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

(27) All sales made to an interstate compact agency created ~~[pursuant to]~~ under sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided ~~[pursuant to]~~ under the compact;

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

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

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

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

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

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

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

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

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases ~~[pursuant to]~~ under the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason ~~[and the contractor has accepted the 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 unless the contractor fraudulently accepted the 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

1 exemption certificate to contractors in accordance with the provisions of that state's law and the  
2 applicable provisions of this section;

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

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

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

16 (40) All materials, replacement parts, and equipment purchased for use directly upon, and  
17 for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and  
18 aircraft accessories;

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

23 (42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined  
24 in section 306.010;

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

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

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

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

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

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

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

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

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

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

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

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

(46) All school instructional materials; and

(47) Usual and customary delivery charges that are stated separately from the sale price.

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 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.

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

144.049. 1. ~~[For purposes of this section, the following terms mean:~~

——— (1) "Clothing", any article of wearing apparel intended to be worn on or about the human body including, but not limited to, disposable diapers for infants or adults and footwear. The term shall include, but not be limited to, cloth and other material used to make school uniforms or other school clothing. ~~Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and~~

——— (2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

——— (3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less and any graphing calculator having a taxable value of one hundred fifty dollars or less.

——— 2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state and local sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less~~];~~ all retail sales of school supplies, school art supplies, and school instructional materials ~~[not to exceed fifty dollars per purchase,]~~ ; all prewritten computer software with a taxable value of three hundred fifty dollars or less~~];~~ ~~all graphing calculators having a taxable value of one hundred fifty dollars or less,]~~ and all retail sales of ~~[personal]~~ computers ~~[or computer peripheral devices]~~ and school computer supplies not to exceed one thousand five hundred dollars per item, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following. Where a purchaser and seller are located in two different time zones, the time zone of the seller's location shall determine the authorized exemption period.

~~[3. If the governing body of any political subdivision adopted an ordinance that applied to~~

the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must 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 ordinance or order rescinding an ordinance or order to opt out.

—4.] 2. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] 3. This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must 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 ordinance or order rescinding an ordinance or order to opt out.

—7.] 4. 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] may offer a sales tax refund in lieu of the sales tax holiday.

5. A sale of property which is eligible for an exemption under subsection 1 of this section but is purchased under a layaway sale shall qualify for an exemption only if:

(1) Final payment on a layaway order is made by, and the property is given to, the purchaser during the exemption period; or

(2) The purchaser selects the property and the seller accepts the order for the property during the exemption period, for immediate delivery upon full payment, even if delivery is made after the exemption period.

6. The exemption of a bundled transaction shall be calculated as provided by law for all other bundled transactions.

7. (1) For any discount offered by a seller that is a reduction of the sales price of the product, the discounted sales price shall determine whether the sales price falls below the price threshold provided in subsection 1 of this section. A coupon that reduces the sales price shall be treated as a discount only if the seller is not reimbursed for the coupon amount by a third party.

(2) If a discount applies to the total amount paid by a purchaser rather than to the sales price of a particular product and the purchaser has purchased both exempt property and taxable property, the seller shall allocate the discount based on the total sales prices of the taxable property compared to the total sales prices of all property sold in the same transaction.

8. Items that are normally sold as a single unit shall continue to be sold in that manner and shall not be priced separately and sold as individual items.

9. Items that are purchased during an exemption period but that are not delivered to the purchaser until after the exemption period due to the item not being in stock shall qualify for an exemption. The provisions of this subsection shall not apply to an item that was delivered during an exemption period but was purchased prior to or after the exemption period.

10. (1) If a purchaser purchases an item of eligible property during an exemption period but later exchanges the item for a similar eligible item after the exemption period, no additional tax shall be due on the new item.

(2) If a purchaser purchases an item of eligible property during an exemption period but later returns the item after the exemption period and receives credit on the purchase of a different, nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

(3) If a purchaser purchases an item of eligible property before an exemption period but during the exemption period returns the item and receives credit on the purchase of a different item of eligible property, no sales tax shall be due on the sale of the new item if the new item is purchased during the exemption period.

(4) For a sixty-day period immediately following the end of the exemption period, if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has sufficient documentation to show that tax was paid on the item being returned.

11. For items that require delivery, an item shall be considered exempt if:

(1) The item is both delivered to and paid for by the purchaser during the exemption period;  
or

(2) The purchaser orders and pays for the item and the seller accepts the order during the exemption period for immediate shipment, even if delivery is made after the exemption period. For the purposes of this subdivision, a seller shall be considered to have accepted an order when the seller has taken action to fill the order for immediate shipment. Actions to fill an order shall include placement of an "in date" stamp on a mail order or the assignment of an "order number" to a telephone order. An order shall be considered for immediate shipment when the purchaser does not request delayed shipment. An order shall be considered for immediate shipment notwithstanding a shipment that may be delayed because of a backlog of orders or because an item is currently unavailable or on back order.

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) "Producing" includes, but is not limited to, the production of, including the production and transmission of, telecommunication services;

(3) "Product" includes, but is not limited to, telecommunications services;

(4) "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,]~~ this chapter and from the computation of the tax levied, assessed, or payable under this chapter 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.]~~ The construction and application of this subsection as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.

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,] this chapter and from the computation of the tax levied, assessed, or payable under this chapter 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,]~~ this chapter and from the computation of the tax levied, assessed, or payable under this chapter 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 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,]~~ this chapter and from the computation of the tax levied, assessed, or payable under this chapter, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.

144.060. 1. It shall be the duty of every person making any purchase or receiving any service upon which a tax is imposed by sections 144.010 to 144.510 to pay, to the extent possible under the provisions of section 144.285, the amount of such tax to the person making such sale or rendering such service. Any person who shall willfully and intentionally refuse to pay such tax shall be guilty of a misdemeanor. The provisions of this section shall not apply to any person making any purchase or sale of a motor vehicle subject to sales tax as provided by the Missouri sales tax law, unless such person making the sale is a motor vehicle dealer authorized to collect and remit sales tax ~~[pursuant to]~~ under subsection 8 of section 144.070.

2. A purchaser shall be relieved from any additional tax, interest, additions, or penalties for failure to collect and remit the proper amount of tax owed on a purchase subject to tax under this chapter if:

(1) A purchaser's seller or a certified service provider relied on erroneous data provided by the director on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix created under section 144.124;

(2) A purchaser holding a direct pay permit created under section 144.079 relied on erroneous data provided by the director on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix created under section 144.124;

(3) A purchaser using a database created under section 144.123 received erroneous data

provided by the director on tax rates, boundaries, or taxing jurisdiction assignments; or

(4) A purchaser relied on erroneous data provided by the director in the taxability matrix created under section 144.124.

144.079. 1. The provisions of section 144.080 notwithstanding, the director shall promulgate rules to allow for the issuance of direct pay permits to purchasers. Purchasers holding such a permit shall be permitted to purchase goods and services which are subject to sales tax under this chapter without remitting payment of the tax to the seller at the time of purchase. Such purchaser shall make a determination of the amount of tax owed and shall report and remit such amount directly to the taxing jurisdiction.

2. The director shall promulgate rules to implement the provisions of this section. Such rules shall include an application process for the issuance of a permit created under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2020, shall be invalid and void.

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]~~ under this chapter, 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]~~ subsection 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 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 any person rendering any service, subject to the tax imposed ~~[by sections 144.010 to 144.525]~~ under this chapter, 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]~~ under section 144.020; except that the collection of the tax imposed ~~[by sections 144.010 to 144.525]~~ under this chapter on motor vehicles and trailers shall be made as provided ~~[in]~~ under sections 144.070 and 144.440.

~~[5.]~~ 4. Any person may advertise or hold out or state to the public or to any customer directly that the tax or any part thereof imposed ~~[by sections 144.010 to 144.525]~~ under this chapter, and required to be collected by the person, will be assumed or absorbed by the person, provided that

the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the property sold or service rendered. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. This subsection shall not apply to any retailer prohibited from collecting and remitting sales tax under section 66.630.

144.082. 1. The director of revenue shall participate in an online registration system that allows sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If the provisions of this section are reauthorized, the provisions of this section shall automatically sunset five years after the effective date of the reauthorization of this section; and

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

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency

representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

~~[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]~~

144.084. 1. The director of revenue shall promulgate rules and regulations for remittance of returns. Such rules shall:

(1) Allow for electronic payments by all remitters by both automated clearinghouse credit and automated clearinghouse debit;

(2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;

(3) Provide that if a due date falls on a Saturday, Sunday, or legal holiday in the member state or on a day the Federal Reserve Bank is closed that prohibits a person from being able to make a payment by ACH debit or credit, the taxes shall be due on the next succeeding business day; and

(4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.

2. All model 1 sellers, model 2 sellers, and model 3 sellers shall file returns electronically. Any model 1 seller, model 2 seller, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director of revenue at such times as may be prescribed by the director.

3. (1) The director shall make available to all sellers, regardless of whether a seller is registered under the streamlined sales and use tax agreement, a simplified electronic return that is in a form approved by the streamlined sales and use tax governing board and contains only those fields approved by the governing board. Such simplified electronic return shall consist of two parts, with part one containing information relating to remittances and allocations and part two containing information relating to exempt sales.

(2) The director shall not require the submission of part two information from a model 4 seller that has no legal requirement to register in the state.

4. (1) Certified service providers shall file a simplified electronic return on behalf of its model 1 sellers and shall be required to file part one of the simplified electronic return at the times provided in sections 144.080 and 144.090. The director shall allow model 1 sellers to file parts one and two of the simplified electronic return.

(2) Model 2 and model 3 sellers shall file a simplified electronic return at the times provided in sections 144.080 and 144.090 for each taxing period for which they anticipate making sales in the state. Such sellers shall file part two information:

(a) At the same time as the seller files part one information; or

(b) At the time of the final due date of part one information in a given calendar year. A submission under this paragraph shall include data for all previous months of the same calendar year and shall be presented as yearly totals.

(3) The director shall allow model 4 sellers to file a simplified electronic return at the times provided in sections 144.080 and 144.090. Such sellers shall file part two information:

1 (a) At the same time as the seller files part one information; or  
 2 (b) At the time of the final due date of part one information in a given calendar year. A  
 3 submission under this paragraph shall include data for all previous months of the same calendar year  
 4 and shall be presented as yearly totals.

5 (4) Model 4 sellers that elect not to file a simplified electronic return shall file returns in the  
 6 form and at the times afforded to sellers not registered under the streamlined sales and use tax  
 7 agreement.

8 (5) The director shall allow sellers not registered under the streamlined sales and use tax  
 9 agreement that are registered in the state to file a simplified electronic return at the times provided in  
 10 sections 144.080 and 144.090. Such sellers shall file part two information:

11 (a) At the same time as the seller files part one information; or  
 12 (b) At the time of the final due date of part one information in a given calendar year. A  
 13 submission under this paragraph shall include data for all previous months of the same calendar year  
 14 and shall be presented as yearly totals.

15 5. A seller that is registered under the streamlined sales and use tax agreement and has  
 16 indicated at the time of registration that it anticipates making no sales which would be sourced to the  
 17 state under the streamlined sales and use tax agreement shall not be required to file a return. A  
 18 seller shall be disqualified for such exemption for any quarter in which the seller makes any taxable  
 19 sales in the state and shall file a return for such quarter as provided in sections 144.080 and 144.090.

20 6. The director shall provide for a standardized transmission process that allows for receipt  
 21 of uniform tax returns and other formatted information. The process shall provide for the filing of  
 22 separate returns for multiple legal entities in a single transmission and shall not include any  
 23 requirement for manual entry or input by a seller. The process shall allow a certified service  
 24 provider, a tax preparer, or any other authorized entity to do so to file returns for more than one  
 25 seller in a single transmission. However, sellers filing returns for multiple legal entities shall only  
 26 do so for affiliated legal entities.

27 7. The director shall give notice to a seller registered under the streamlined sales and use tax  
 28 agreement that has no legal requirement to register in the state of a failure to file a return and shall  
 29 provide such seller at least thirty days following such notice to file a return prior to holding the  
 30 seller liable for any penalties based on a failure to file a timely return.

31 8. Under section 23.253 of the Missouri sunset act:

32 (1) The provisions of this section shall automatically sunset five years after the effective  
 33 date of this section unless reauthorized by an act of the general assembly;

34 (2) If the provisions of this section are reauthorized, the provisions of this section shall  
 35 automatically sunset five years after the effective date of the reauthorization of this section; and

36 (3) This section shall terminate on January first of the calendar year immediately following  
 37 the calendar year in which this section is sunset."; and

38  
 39 Further amend said bill, Page 29, Section 144.088, Line 10, by inserting after said section and line  
 40 the following:

41  
 42 "144.100. 1. Every person making any taxable sales of property or service, except  
 43 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer  
 44 or agent, shall make and file a written return with the director of revenue in such manner as he may  
 45 prescribe.

46 2. The returns shall be on blanks designed and furnished by the director of [the department  
 47 of] revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns  
 48 shall [show the amount of gross receipts from sales of taxable property and services by the person  
 49 and the amount of tax due thereon by that person during and for the period covered by the return]

1 state:

2 (1) The name and address of the retailer;

3 (2) The total amount of gross sales of all tangible personal property and taxable services  
 4 rendered by the retailer during the period for which the return is made;

5 (3) The total amount received during the period for which the return is made on charges and  
 6 time sales of tangible personal property made and taxable services rendered prior to the period for  
 7 which the return is made;

8 (4) Deductions allowed by law from the total amount of gross sales and from the total  
 9 amount received during the period for which the return is made on the charges and time sales;

10 (5) Receipts during the period for which the return is made from the total amount of sales of  
 11 tangible personal property and taxable services rendered during such period in the course of such  
 12 business, after deductions allowed by law have been made;

13 (6) Receipts during the period for which the return is made from charge and time sales of  
 14 tangible personal property made and taxable services rendered prior to such period in the course of  
 15 such business, after deductions allowed by law have been made;

16 (7) Gross receipts during the period for which the return is made from sales of tangible  
 17 personal property and taxable services rendered in the course of such business upon the basis of  
 18 which the tax is imposed; and

19 (8) Any other pertinent information as the director may require.

20 3. In making a return, the retailer shall determine the market value of any consideration,  
 21 other than moneys, received in connection with the sale of any tangible personal property in the  
 22 course of the business and shall include such valuation in the return. The valuation shall be subject  
 23 to review and revision by the director of revenue as hereinafter provided. Refunds made by a  
 24 retailer during the period for which the return is made on account of tangible personal property  
 25 returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this  
 26 section in case the retailer has included the receipts from such sale in a return made by such retailer  
 27 and paid taxes on such sale. The retailer shall, at the time of making a return, pay to the director the  
 28 amount of tax owed, except as otherwise provided in this section. The director may extend the time  
 29 for making returns and paying the tax required by this section for any period not to exceed sixty  
 30 days under any rules and regulations as the director may prescribe.

31 4. The director of revenue shall only require a single tax return for each taxing period, and  
 32 such return shall include only the taxing jurisdictions in which the seller makes sales within the  
 33 state. With each return, the person shall remit to the director of revenue the full amount of the tax  
 34 due.

35 [3-] 5. In case of charge and time sales the gross receipts thereof shall be included as sales  
 36 in the returns as and when payments are received by the person, without any deduction therefrom  
 37 whatsoever.

38 [4-] 6. If an error or omission is discovered in a return or a change be necessary to show the  
 39 true facts, the error may be corrected, the omission supplied, or the change made in the return next  
 40 filed with the director for the filing period immediately following the filing period in which the error  
 41 was made or the omission occurred, as prescribed by law, except that no refund under this chapter  
 42 shall be allowed for any amount of tax paid by a seller which is based upon charges incident to  
 43 credit card discounts. Any other omission or error must be corrected by filing an amended return for  
 44 the erroneously reported period if the amount of tax is less than that originally reported, or an  
 45 additional return if the amount of tax is greater than that originally reported. An additional return  
 46 shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is  
 47 received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to  
 48 tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date  
 49 the payment is received by the director, whichever is earlier. If a refund or credit results from the

1 filing of an amended return, no refund or credit shall be allowed unless an application for refund or  
 2 credit is properly completed and submitted to the director ~~[pursuant to]~~ under section 144.190.

3 ~~[5.]~~ 7. The amount of gross receipts from sales and the amount of tax due returned by the  
 4 person, as well as all matters contained in the return, is subject to review and revision in the manner  
 5 herein provided for the correction of the returns.

6 144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts  
 7 attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that  
 8 is attributed to bad debts shall not include interest.

9 2. The amount of the bad debt deduction shall be calculated under 26 U.S.C. Section 166(b),  
 10 except that such amount shall be adjusted to exclude financing charges or interest, sales or use taxes  
 11 charged on the purchase price, uncollectable amounts on property that remains in the possession of  
 12 the seller until the full purchase price is paid, and expenses incurred in attempting to collect any  
 13 debt or repossessed property.

14 3. Bad debts may be deducted on the return for the period during which the bad debt is  
 15 written off as uncollectable in the seller's books and records and is eligible to be deducted for federal  
 16 income tax purposes. For purposes of this subsection, a seller who is not required to file federal  
 17 income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is  
 18 written off as uncollectable in the seller's books and records and would be eligible for a bad debt  
 19 deduction for federal income tax purposes if the seller was required to file a federal income tax  
 20 return.

21 4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in  
 22 part, the tax on the amount so collected shall be paid and reported on the return filed for the period  
 23 in which the collection is made.

24 5. If the amount of bad debt exceeds the amount of taxable sales for the period during which  
 25 the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of  
 26 limitations for refund claim; however, the statute of limitations shall be measured from the due date  
 27 of the return on which the bad debt could first be claimed.

28 6. If filing responsibilities have been assumed by a certified service provider, such service  
 29 provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The  
 30 certified service provider shall credit or refund the full amount of any bad debt allowance or refund  
 31 received to the seller.

32 7. For the purposes of reporting a payment received on a previously claimed bad debt, any  
 33 payments made on a debt or account shall first be applied proportionally to the taxable price of the  
 34 property or service and the sales tax thereon and secondly to interest, service charges, and any other  
 35 charges.

36 8. If the books and records of the seller or certified service provider on behalf of the seller  
 37 claiming the bad debt allowance support an allocation of the bad debts among the member states,  
 38 such an allocation shall be permitted.

39 144.108. 1. Certified service providers providing services to model 1 sellers shall not be  
 40 certified unless:

41 (1) The provider's system has been designed and tested to ensure the anonymity of  
 42 purchasers unless otherwise required by law;

43 (2) Personally identifiable information is only used and retained to the extent necessary for  
 44 the administration of model 1 sellers with respect to exempt purchasers, and for the identification of  
 45 taxing jurisdictions;

46 (3) The provider provides consumers with clear and conspicuous notice of its information  
 47 practices, including what information it collects; how it collects such information; how it uses such  
 48 information; how long, if at all, it retains such information; and whether it discloses such  
 49 information to the state. Such notice shall be satisfied by a written privacy policy statement

1 accessible by the public on the certified service provider's website;

2 (4) The provider's collection, use, and retention of personally identifiable information is  
 3 limited to that required by the state to ensure the validity of exemptions from taxation that are  
 4 claimed by reason of a purchaser's status or the intended use of the goods or services purchased, and  
 5 for the documentation of correct assignment of taxing jurisdictions; and

6 (5) The provider provides adequate technical, physical, and administrative safeguards so as  
 7 to protect personally identifiable information from unauthorized access and disclosure.

8 2. (1) When any personally identifiable information that has been collected and retained is  
 9 no longer required for the purposes set forth in subdivision (4) of subsection 1 of this section, such  
 10 information shall no longer be retained by the state.

11 (2) When personally identifiable information regarding an individual is retained by or on  
 12 behalf of the state, the state shall provide reasonable access by such individual to his or her own  
 13 information in the state's possession, as well as a right to correct any inaccurately recorded  
 14 information.

15 (3) If anyone other than the state, or a person authorized by the state, seeks to discover  
 16 personally identifiable information of an individual, the state shall make a reasonable and timely  
 17 effort to notify the individual of such request.

18 3. The attorney general for the state of Missouri shall have the power to enforce the  
 19 provisions of this section.

20 4. Under section 23.253 of the Missouri sunset act:

21 (1) The provisions of this section shall automatically sunset five years after the effective  
 22 date of this section unless reauthorized by an act of the general assembly; and

23 (2) If the provisions of this section are reauthorized, the provisions of this section shall  
 24 automatically sunset five years after the effective date of the reauthorization of this section; and

25 (3) This section shall terminate on January first of the calendar year immediately following  
 26 the calendar year in which this section is sunset.

27 144.109. 1. The state shall review software submitted to the streamlined sales and use tax  
 28 governing board for certification as a certified automated system (CAS) under Section 501 of the  
 29 streamlined sales and use tax agreement. Such review shall include a review to determine that the  
 30 program adequately classifies the state's product-based exemptions. Upon completion of the review,  
 31 the state shall certify to the governing board its acceptance of the classifications made by the  
 32 system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to  
 33 this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or  
 34 model 2 seller's reliance on the certification provided by the state.

35 2. The streamlined sales and use tax governing board and this state shall not be responsible  
 36 for classification of an item or transaction with the product-based exemptions. The relief from  
 37 liability provided in this section shall not be available for a CSP or model 2 seller that has  
 38 incorrectly classified an item or transaction into a product-based exemption certified by this state.  
 39 This subsection shall not apply to the individual listing of items or transactions within a product  
 40 definition approved by the governing board of the state.

41 3. If the state determines that an item or transaction is incorrectly classified as to its  
 42 taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model  
 43 2 seller shall have ten days to revise the classification after receipt of notice from the state of the  
 44 determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for  
 45 failure to collect the correct amount of sales or use taxes due and owing to the state.

46 4. Under section 23.253 of the Missouri sunset act:

47 (1) The provisions of this section shall automatically sunset five years after the effective  
 48 date of this section unless reauthorized by an act of the general assembly; and

49 (2) If the provisions of this section are reauthorized, the provisions of this section shall

1 automatically sunset five years after the effective date of the reauthorization of this section; and

2 (3) This section shall terminate on January first of the calendar year immediately following  
 3 the calendar year in which this section is sunset.

4 144.111. 1. (1) All retail sales in this state, excluding leases and rentals, of tangible  
 5 personal property or digital goods shall be sourced to the location where the order is received by the  
 6 seller.

7 (2) This subsection shall apply only if:

8 (a) The location where the order is received by the seller and the location where the  
 9 purchaser receives the product are both in this state;

10 (b) The location where receipt of the product occurs is determined in accordance with  
 11 subsection 2 of this section; and

12 (c) At the time the order is received, the record-keeping system of the seller used to  
 13 calculate the proper amount of sales or use tax to be imposed captures the location where the order  
 14 is received.

15 (3) If the sale is sourced under this section to the location where the order is received by the  
 16 seller, only the sales tax for the location where the order is received by the seller may be levied. No  
 17 additional sales or use tax based on the location where the product is delivered to the purchaser may  
 18 be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and  
 19 local rate or rates at the location where the product is received by the purchaser is lower than the  
 20 rate where the order is received by the seller.

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

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

39 (6) If taxable services are sold with tangible personal property or digital products under a  
 40 single contract or in the same transaction, are billed on the same billing statement or statements,  
 41 and, because of the application of this section, would be sourced to different jurisdictions, this  
 42 subsection shall apply to determine the source for tax.

43 2. Except as provided under section 144.112, if the location where the order is received by  
 44 the seller and the location where the receipt of the product by the purchaser or the purchaser's donee,  
 45 as designated by the purchaser, occurs are in different states, then the retail sale, excluding lease or  
 46 rental, of a product shall be sourced as follows:

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

49 (2) If 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, as designated by the purchaser, occurs, including the location indicated by instructions for delivery to the purchaser or donee, as known to the seller;

(3) If 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 if use of this address shall not constitute bad faith;

(4) If 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 and if use of this address shall not constitute bad faith; and

(5) If 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, the location shall 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, outboard motors, 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, 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 if use of this address shall 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 2 of this section; and

(3) This subsection shall 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 address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business if use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(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; and

(3) This subsection shall 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.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section.

1 notwithstanding the exclusion of lease or rental in subsection 2 of this section.

2 144.112. 1. The retail sale of a product shall be sourced in accordance with section 144.111.  
 3 The provisions of section 144.111 shall apply regardless of the characterization of a product as  
 4 tangible personal property, a digital good, or a service. The provisions of section 144.111 shall  
 5 apply only to determine a seller's obligation to pay or collect and remit sales or use tax with respect  
 6 to the seller's retail sale of a product. The provisions of this subsection shall not affect the  
 7 obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of  
 8 that use.

9 2. Section 144.111 shall not apply to sales or use taxes levied on the following:

10 (1) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile  
 11 homes; and

12 (2) Telecommunications services and ancillary services.

13 144.113. 1. (1) A purchaser of advertising and promotional direct mail may provide the  
 14 seller with:

15 (a) A direct pay permit;

16 (b) An agreement certificate of exemption claiming direct mail or other written statement  
 17 approved, authorized, or accepted by the state; or

18 (c) Information showing the jurisdictions to which the advertising and promotional direct  
 19 mail is to be delivered to recipients.

20 (2) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a)  
 21 or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is  
 22 relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising  
 23 and promotional direct mail to which the permit, certificate, or statement applies. The purchaser  
 24 shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be  
 25 delivered to the recipients and shall report and pay any applicable tax due.

26 (3) If the purchaser provides the seller information showing the jurisdictions to which the  
 27 advertising and promotional direct mail is to be delivered to recipients, the seller shall source the  
 28 sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and  
 29 shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any  
 30 further obligation to collect any additional tax on the sale of advertising and promotional direct mail  
 31 if the seller has sourced the sale according to the delivery information provided by the purchaser.

32 (4) If the purchaser does not provide the seller with any of the items listed in paragraph (a),  
 33 (b), or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to  
 34 subdivision (5) of subsection 2 of section 144.111. The state to which the advertising and  
 35 promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this  
 36 subdivision.

37 (5) Notwithstanding section 144.111, this subsection shall apply to sales of advertising and  
 38 promotional direct mail.

39 2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced  
 40 in accordance with subdivision (3) of subsection 2 of section 144.111.

41 (2) A purchaser of other direct mail may provide the seller with either:

42 (a) A direct pay permit; or

43 (b) An agreement certificate of exemption claiming direct mail or other written statement  
 44 approved, authorized, or accepted by the state.

45 (3) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a)  
 46 or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all  
 47 obligations to collect, pay, or remit any tax on any transaction involving other direct mail to which  
 48 the permit, certificate, or statement applies. Notwithstanding subdivision (1) of this subsection, the  
 49 sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the

recipients, and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.111, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail; and

(b) This section shall not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotional direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall limit any purchaser's:

(a) Obligation for sales or use tax to any state to which the direct mail is delivered;

(b) Right under local, state, federal, or constitutional law to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions and shall not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.114. 1. Except for the defined telecommunications services under subsection 3 of this section, the sale of telecommunications 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 telecommunications services under 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 telecommunications 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 under 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 144.111; provided, however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.111 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 segments of a 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 ancillary service is sourced to the customer's place of primary use.

144.123. 1. The director of revenue shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director of revenue shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director of revenue shall provide and maintain a database that assigns the proper tax rates and jurisdictions to each five- and nine-digit zip code within the state. 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 transaction 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 governing board that makes this designation from the street address and five-digit zip code applicable to a purchase.

4. The director of revenue may provide address-based boundary database records for assigning taxing jurisdictions and associated rates that 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). 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 transaction. 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 transaction 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 transaction. 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). If the director certifies a vendor-provided 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 of revenue. 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 144.124 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 if 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 of revenue on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director of revenue 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 of revenue 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 director of revenue in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and for which audit is not yet finally resolved, including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six-month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If the provisions of this section are reauthorized, the provisions of this section shall automatically sunset five years after the effective date of the reauthorization of this section; and

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

144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. If the director of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions; and

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members of the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section."; and

Further amend said bill, Page 29-32, Section 144.190, Lines 1-124, by deleting all of said section and lines and inserting in lieu thereof the following:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax ~~[pursuant to sections 144.010 to 144.525]~~ under this chapter, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax ~~[pursuant to sections 144.010 to 144.525]~~ under this chapter, and the balance, with interest as determined ~~[by]~~ under section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be

1 refunded more than once, any such claim shall be subject to any offset, defense, or other claim the  
 2 director otherwise would have against either the purchaser or vendor or seller, and such claim for  
 3 refund is accompanied by either:

4 (1) A notarized assignment of rights statement by the vendor or seller to the purchaser  
 5 allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights  
 6 statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a  
 7 list of the transactions covered by the assignment, the tax periods and location for which the original  
 8 sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed  
 9 by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not  
 10 apply for a refund or credit of the tax collected on any transactions covered by the assignment, and  
 11 authorizes the director to amend the seller's return to reflect the refund; or

12 (2) In the event the vendor or seller fails or refuses to provide an assignment of rights  
 13 statement within sixty days from the date of such purchaser's written request to the vendor or seller,  
 14 or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in  
 15 business, the purchaser may provide the director a notarized statement confirming the efforts that  
 16 have been made to obtain an assignment of rights from the vendor or seller. Such statement shall  
 17 contain a list of the transactions covered by the assignment, the tax periods and location for which  
 18 the original sale was reported to the director of revenue by the vendor or seller.

19  
 20 The director shall not require such vendor, seller, or purchaser to submit amended returns for refund  
 21 claims submitted under the provisions of this subsection. Notwithstanding the provisions of section  
 22 32.057, if the seller is registered with the director for collection and remittance of sales tax, the  
 23 director shall notify the seller at the seller's last known address of the claim for refund. If the seller  
 24 objects to the refund within thirty days of the date of the notice, the director shall not pay the refund.  
 25 If the seller agrees that the refund is warranted or fails to respond within thirty days, the director  
 26 may issue the refund and amend the seller's return to reflect the refund. For purposes of section  
 27 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the  
 28 refund is warranted or thirty days after the date the director notified the seller and the seller failed to  
 29 respond.

30 5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on  
 31 behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the  
 32 reason for the denial shall be sent by the director to the vendor and each purchaser whose name and  
 33 address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to  
 34 appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by  
 35 the director as provided in section 144.261. The provisions of this subsection shall apply to all  
 36 refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to  
 37 appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by  
 38 the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the  
 39 purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the  
 40 exemption of the electronic transmission or delivery of computer software.

41 6. Notwithstanding the provisions of this section, the director of revenue shall authorize  
 42 direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty  
 43 thousand dollars ~~[pursuant to]~~ under rules and regulations adopted by the director of revenue. For  
 44 the purposes of such direct-pay agreements, the taxes authorized ~~[pursuant to]~~ under chapters 66, 67,  
 45 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of  
 46 business of the purchaser.

47 7. Special rules applicable to error corrections requested by customers of mobile  
 48 telecommunications service are as follows:

49 (1) For purposes of this subsection, the terms "customer", "home service provider", "place

of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied ~~[pursuant to sections 144.010 to 144.525]~~ under this chapter has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if the refund claim is filed by a purchaser under the provisions of subsection 4 of this section, the refund claim is for use tax remitted by the purchaser, or an additional refund claim is filed by a person legally obligated to remit the tax due to any of the following:

(1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;

(2) A decision of a court of competent jurisdiction or the administrative hearing commission; or

(3) Changes in regulations or policy by the department of revenue.

9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax ~~[pursuant to]~~ under sections 144.010 to 144.510 against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

11. A cause of action against the seller by a purchaser for a tax erroneously or illegally

collected under this chapter does not accrue until a purchaser has provided written notice to a seller and the seller has had sixty days to respond. Such notice to the seller shall contain the information necessary to determine the validity of the request. A seller shall be presumed to have a reasonable business practice if, in the collection of such tax, the seller uses a provider or a system certified by the director and has remitted to the state all tax collected less any deductions, credits, or allowances.

144.210. 1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. ~~[The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]~~

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, if an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of revenue or the director's designee upon request; and

(6) In the case of drop shipment sales, a third-party vendor such as a drop shipper may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption, and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax, to a seller who solicits purchasers to participate in the unlawful claim of an exemption, to a seller who accepts an exemption certificate if the purchaser claims an entity-based exemption if the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption

certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state, or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use:

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale; and

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements if there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relation exists if a period of no more than twelve months elapses between sales transactions.

144.285. 1. ~~[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 tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions]~~ When a seller is computing the amount of tax owed by the purchaser and remitted to the state:

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent if the third decimal place is greater than four.

2. ~~[In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor]~~ Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this subsection may be applied to the aggregated state and local taxes.

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. ~~[A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.~~

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in ~~[his]~~ the vendor's gross receipts if the amounts are separately charged or stated.

[6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer ~~[pursuant to]~~ under chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted

proportionately to each taxing jurisdiction in accordance with the percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax 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 and local 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. Where a purchaser and seller are located in two different time zones, the time zone of the seller's location shall determine the authorized exemption period.~~

~~[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.]~~

3. A sale of property which is eligible for an exemption under subsection 1 of this section but is purchased under a layaway sale shall only qualify for an exemption if:

(1) Final payment on a layaway order is made by, and the property is given to, the purchaser during the exemption period; or

(2) The purchaser selects the property and the seller accepts the order for the property during the exemption period, for immediate delivery upon full payment, even if delivery is made after the exemption period.

4. The exemption of a bundled transaction shall be calculated as provided by law for all other bundled transactions.

5. (1) For any discount offered by a seller that is a reduction of the sales price of the product, the discounted sales price shall determine whether the sales price falls below the price threshold provided in subsection 1 of this section. A coupon that reduces the sales price shall be treated as a discount only if the seller is not reimbursed for the coupon amount by a third party.

(2) If a discount applies to the total amount paid by a purchaser rather than to the sales price of a particular product and the purchaser has purchased both exempt property and taxable property, the seller shall allocate the discount based on the total sales prices of the taxable property compared to the total sales prices of all property sold in the same transaction.

6. Items that are normally sold as a single unit shall continue to be sold in that manner and shall not be priced separately and sold as individual items.

7. Items that are purchased during an exemption period but that are not delivered to the purchaser until after the exemption period due to the item not being in stock shall qualify for an exemption. The provisions of this subsection shall not apply to an item that was delivered during an

1 exemption period but was purchased prior to or after the exemption period.

2 8. (1) If a purchaser purchases an item of eligible property during an exemption period but  
 3 later exchanges the item for a similar eligible item after the exemption period, no additional tax shall  
 4 be due on the new item.

5 (2) If a purchaser purchases an item of eligible property during an exemption period but  
 6 later returns the item after the exemption period and receives credit on the purchase of a different  
 7 nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

8 (3) If a purchaser purchases an item of eligible property before an exemption period but  
 9 during the exemption period returns the item and receives credit on the purchase of a different item  
 10 of eligible property, no sales tax shall be due on the sale of the new item if the new item is  
 11 purchased during the exemption period.

12 (4) For a sixty-day period immediately following the end of the exemption period, if a  
 13 purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the  
 14 purchaser provides a receipt or invoice that shows tax was paid, or the seller has sufficient  
 15 documentation to show that tax was paid on the item being returned.

16 9. For items that require delivery, an item shall be considered exempt if:

17 (1) The item is both delivered to and paid for by the purchaser during the exemption period;  
 18 or

19 (2) The purchaser orders and pays for the item and the seller accepts the order during the  
 20 exemption period for immediate shipment, even if delivery is made after the exemption period. For  
 21 the purposes of this subdivision, a seller shall be considered to have accepted an order when the  
 22 seller has taken action to fill the order for immediate shipment. Actions to fill an order shall include  
 23 placement of an "in date" stamp on a mail order or the assignment of an "order number" to a  
 24 telephone order. An order shall be considered for immediate shipment when the purchaser does not  
 25 request delayed shipment. An order shall be considered for immediate shipment notwithstanding a  
 26 shipment that may be delayed because of a backlog of orders or because an item is currently  
 27 unavailable or on back order.

28 144.560. 1. For the purposes of this section, the following terms shall mean:

29 (1) "Marketplace facilitator", a person that contracts with sellers to facilitate for  
 30 consideration, regardless of whether deducted as fees from the transaction, the sale of the seller's  
 31 products through an electronic marketplace operated by a person, and engages:

32 (a) Either directly or indirectly, through one or more affiliated persons, in any of the  
 33 following:

34 a. Transmitting or otherwise communicating the offer or acceptance between the purchaser  
 35 and marketplace seller;

36 b. Owning or operating the infrastructure, electronic or physical, or technology that brings  
 37 purchasers and marketplace sellers together;

38 c. Providing a virtual currency that purchasers are allowed or required to use to purchase  
 39 products from the marketplace seller; or

40 d. Software development or research and development activities related to any of the  
 41 activities described in paragraph (b) of this subdivision if such activities are directly related to an  
 42 electronic marketplace operated by a person or an affiliated person; and

43 (b) In any of the following activities with respect to the marketplace seller's products:

44 a. Payment processing services;

45 b. Fulfillment or storage services;

46 c. Listing products for sale;

47 d. Setting prices;

48 e. Branding sales as those of the marketplace facilitator;

49 f. Order taking;

1 g. Advertising or promotion; or

2 h. Providing customer service or accepting or assisting with returns or exchanges;

3  
4 A marketplace facilitator is a seller and shall comply with this chapter.

5 (2) "Marketplace seller", a seller that makes sales through any electronic marketplace  
6 operated by a marketplace facilitator;

7 (3) "Person", any individual, firm, copartnership, joint venture, association, corporation,  
8 municipal or private, whether organized for profit or not, state, county, political subdivision, state  
9 department, commission, board, bureau or agency, except the department of transportation, estate,  
10 trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any  
11 other group or combination acting as a unit;

12 (4) "Purchaser", any person who is the recipient for a valuable consideration of any sale of  
13 tangible personal property acquired for use, storage, or consumption in this state;

14 (5) "Qualifying amount", one hundred thousand dollars or an amount as otherwise  
15 prescribed by the department;

16 (6) "Retail sale", as defined in section 144.011, excluding motor vehicles, trailers,  
17 motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the  
18 laws of the state and subject to tax under subdivision (9) of subsection 1 of section 144.020;

19 (7) "Seller", a person selling or furnishing tangible personal property or rendering services  
20 on the receipts from which a tax is imposed under section 144.020.

21 2. By no later than January 1, 2020, marketplace facilitators that reach the threshold in  
22 subsection 4 of section 144.021 shall register with the department to collect and remit sales tax on  
23 sales made through the marketplace facilitator's marketplace by or on behalf of a marketplace seller  
24 that are delivered in the state, whether by the marketplace facilitator or another person. Such retail  
25 sales shall include those made directly by the marketplace facilitator and shall also include those  
26 retail sales made by marketplace sellers through the marketplace facilitator's marketplace. The  
27 collection and reporting requirements of this subsection shall not apply to retail sales other than  
28 those made through a marketplace facilitator's marketplace.

29 3. Marketplace facilitators that collect sales tax under this section may report and remit the  
30 tax in accordance with the provisions of sections 144.530 to 144.555 and shall maintain records of  
31 all sales delivered to a location in the state, including copies of invoices showing the purchaser,  
32 address, purchase amount, and sales tax collected. Such records shall be made available for review  
33 and inspection upon request by the department.

34 4. Marketplace facilitators who properly collect and then remit to the department in a timely  
35 manner sales tax on sales in accordance with the provisions of this section by or on behalf of  
36 marketplace sellers shall be eligible for any discount provided under this chapter.

37 5. The marketplace facilitator shall provide the purchaser with a statement or invoice  
38 showing that the sales tax was collected and shall be remitted on the purchaser's behalf.

39 6. Any taxpayer who remits sales tax under this section shall be entitled to refunds or credits  
40 to the same extent and in the same manner provided for in section 144.190 for taxes collected and  
41 remitted through this section.

42 7. Marketplace facilitators shall be subject to the penalty provisions, procedures, and  
43 reporting requirements of this chapter.

44 8. The distribution of the sales tax remitted by marketplace facilitators shall be made in  
45 accordance with the provisions of this chapter.

46 144.600. 1. This law may be cited as the "Compensating Use Tax Law".

47 2. All provisions in sections 144.010 to 144.527 with respect to sales into this state by out-  
48 of-state sellers shall apply to the compensating use tax law.

49 144.612. 1. A vendor is required to register with the director under this chapter for the

collection and remittance of use tax if the vendor is engaged in business activities within this state. For purposes of this chapter, "engaging in business activities within this state" includes:

(1) 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 144.527; and

(2) Soliciting sales or taking orders by sales agents or traveling representatives.

2. A vendor is presumed to engage in business activities within this state if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:

(1) Sells a similar line of products as the vendor and does so under the same or a similar business name;

(2) Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;

(3) Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;

(4) Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or

(5) Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;

3. The presumption in subsection 2 may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;

4. Notwithstanding subsection 2, a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months; and

5. The presumption in subsection 4 may be rebutted by submitting proof that the residents with whom the vendor has an agreement did not engage in any activity within the state that was significantly associated with the vendor's ability to establish or maintain the vendor's market in the state during the preceding twelve months. Such proof may consist of sworn written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the vendor during the preceding year, provided that such statements were provided and obtained in good faith.

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

1 shall pay such aggregate amount for such months to the director of revenue by the twentieth day of  
 2 the succeeding month. The amount so paid shall be allowed as a credit against the liability shown  
 3 on the vendor's quarterly return required by this section.

4 3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-  
 5 five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file  
 6 a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-  
 7 first of the succeeding year.

8 4. Except as provided in subsection 5 of this section, every person purchasing tangible  
 9 personal property, the storage, use or consumption of which is subject to the tax levied by sections  
 10 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the  
 11 provisions of section 144.650, shall file with the director of revenue a return for the preceding  
 12 reporting period in the form and manner that the director of revenue prescribes, showing the total  
 13 sales price of the tangible property purchased during the preceding reporting period and any other  
 14 information that the director of revenue deems necessary for the proper administration of sections  
 15 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax  
 16 required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the  
 17 person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the  
 18 reporting period shall be determined by the director of revenue and may be a calendar quarter or a  
 19 calendar year. Annual returns and payments required by the director ~~[pursuant to]~~ under this  
 20 subsection shall be due on or before April fifteenth of the year for the preceding calendar year and  
 21 quarterly returns and payments shall be due on or before the last day of the month following each  
 22 calendar period of three months. Upon the taxpayer's request, the director may allow the filing of  
 23 such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and  
 24 payment, such return and payment shall be due on or before the twentieth day of the succeeding  
 25 month.

26 5. Any person purchasing tangible personal property subject to the taxes imposed by  
 27 sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue  
 28 if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand  
 29 dollars in any calendar year.

30 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax  
 31 imposed ~~[pursuant to]~~ under sections 144.600 to 144.748 on the total gross receipts of all sales of  
 32 tangible personal property used, stored or consumed in this state and to remit all taxes collected to  
 33 the director of revenue in accordance with the provisions of this section nor shall it relieve a  
 34 purchaser from paying such taxes to a vendor registered in accordance with the provisions of section  
 35 144.650.

36 7. Any out-of-state seller that is not legally required to register for use tax in this state but  
 37 chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the  
 38 calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the  
 39 succeeding year.

40 144.710. ~~[From every remittance made by a vendor as required by sections 144.600 to~~  
 41 ~~144.745 to the director of revenue on or before the date when the remittance becomes due, the~~  
 42 ~~vendor may deduct and retain an amount equal to two percent thereof]~~ Section 144.140, pertaining  
 43 to the allowance for timely remittance of payment, is applicable to the tax levied by this law.

44 144.759. 1. All local use taxes collected by the director of revenue ~~[pursuant to]~~ under  
 45 sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of  
 46 collection, which shall be deposited in the state's general revenue fund after payment of premiums  
 47 for surety bonds as provided ~~[in]~~ under section 32.087 shall be deposited with the state treasurer in a  
 48 local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds.  
 49 The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be

1 commingled with any funds of the state. The director of revenue shall keep accurate records of the  
 2 amount of money in the trust fund which was collected in each county or municipality imposing a  
 3 local use tax, and the records shall be open to the inspection of officers of the county or municipality  
 4 and to the public. No later than the tenth day of each month, the director of revenue shall distribute  
 5 all moneys deposited in the trust fund during the preceding month, except as provided in subsection  
 6 2 of this section, to the county or municipality treasurer, or such other officer as may be designated  
 7 by the county or municipality ordinance or order, of each county or municipality imposing the tax  
 8 authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by  
 9 the director of revenue.

10 2. The director of revenue shall distribute all moneys which would be due any county  
 11 having a charter form of government and having a population of nine hundred thousand or more to  
 12 the county treasurer or such other officer as may be designated by county ordinance, who shall  
 13 distribute such moneys as follows: the portion of the use tax imposed by the county which equals  
 14 one-half the rate of sales tax in effect for such county shall be disbursed to the county treasurer for  
 15 expenditure throughout the county for public safety, parks, and job creation, subject to any  
 16 qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an  
 17 audited comprehensive financial report detailing the management and use of such funds each year.  
 18 Such ordinance shall also require that the county and the municipal league of the county jointly  
 19 prepare a strategy to guide expenditures of funds and conduct an annual review of the strategy. The  
 20 treasurer or such other officer as may be designated by county ordinance shall distribute one-third of  
 21 the balance to the county and to each city, town and village in group B according to section 66.620  
 22 as modified by this section, a portion of the two-thirds remainder of such balance equal to the  
 23 percentage ratio that the population of each such city, town or village bears to the total population of  
 24 all such group B cities, towns and villages. For the purposes of this subsection, population shall be  
 25 determined by the last federal decennial census or the latest census that determines the total  
 26 population of the county and all political subdivisions therein. For the purposes of this subsection,  
 27 each city, town or village in group A according to section 66.620 but whose per capita sales tax  
 28 receipts during the preceding calendar year ~~[pursuant to]~~ under sections 66.600 to 66.630 were less  
 29 than the per capita countywide average of all sales tax receipts during the preceding calendar year,  
 30 shall be treated as a group B city, town or village until the per capita amount distributed to such city,  
 31 town or village equals the difference between the per capita sales tax receipts during the preceding  
 32 calendar year and the per capita countywide average of all sales tax receipts during the preceding  
 33 calendar year.

34 3. The director of revenue may authorize the state treasurer to make refunds from the  
 35 amounts in the trust fund and credited to any county or municipality for erroneous payments and  
 36 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such  
 37 counties or municipalities. If any county or municipality abolishes the tax, the county or  
 38 municipality shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the  
 39 effective date of the repeal, and the repeal shall be effective as provided by subsection 19 of section  
 40 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of  
 41 two percent of the amount collected after receipt of such notice to cover possible refunds or  
 42 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such  
 43 accounts. After one year has elapsed after the effective date of abolition of the tax in such county or  
 44 municipality, the director of revenue shall authorize the state treasurer to remit the balance in the  
 45 account to the county or municipality and close the account of that county or municipality. The  
 46 director of revenue shall notify each county or municipality of each instance of any amount  
 47 refunded or any check redeemed from receipts due the county or municipality.

48 4. Except as modified ~~[in]~~ under sections 144.757 to 144.761, all provisions of sections  
 49 32.085 ~~[and]~~ to 32.087 applicable to the local sales tax, except for subsection 12 of section 32.087,

1 and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed ~~[pursuant to]~~ under  
 2 sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the  
 3 administration, collection, enforcement, and operation of the tax.

4 144.761. 1. No county or municipality imposing a local use tax ~~[pursuant to]~~ under sections  
 5 144.757 to 144.761 may repeal or amend such local use tax unless such repeal or amendment is  
 6 submitted to and approved by the voters of the county or municipality in the manner provided in  
 7 section 144.757; provided, however, that the repeal of the local sales tax within the county or  
 8 municipality shall be deemed to repeal the local use tax imposed ~~[pursuant to]~~ under sections  
 9 144.757 to 144.761.

10 2. Whenever the governing body of any county or municipality in which a local use tax has  
 11 been imposed in the manner provided by sections 144.757 to 144.761 receives a petition, signed by  
 12 fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial  
 13 election, calling for an election to repeal such local use tax, the governing body shall submit to the  
 14 voters of such county or municipality a proposal to repeal the county or municipality use tax  
 15 imposed ~~[pursuant to]~~ under sections 144.757 to 144.761. If a majority of the votes cast on the  
 16 proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use  
 17 tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is  
 18 repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the  
 19 proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along  
 20 with any amendments thereto, shall remain in effect. Subsection 19 of section 32.087 shall apply to  
 21 such repeal of the tax authorized under sections 144.757 to 144.761.

22 184.845. 1. The board of the district may impose a museum and cultural district sales tax by  
 23 resolution on all retail sales made in such museum and cultural district which are subject to ~~[taxation~~  
 24 ~~pursuant to the provisions of sections 144.010 to 144.525]~~ sales tax under chapter 144. Such  
 25 museum and cultural district sales tax may be imposed for any museum or cultural purpose  
 26 designated by the board of the museum and cultural district. If the resolution is adopted the board of  
 27 the district may submit the question of whether to impose a sales tax authorized by this section to  
 28 the qualified voters, who shall have the same voting interests as with the election of members of the  
 29 board of the district.

30 2. The sales tax authorized by this section shall become effective ~~[on the first day of the~~  
 31 ~~second calendar quarter following adoption of the tax by the board or qualified voters]~~ as provided  
 32 in subsection 19 of section 32.087, if the board elects to submit the question of whether to impose a  
 33 sales tax to the qualified voters.

34 3. In each museum and cultural district in which a sales tax has been imposed in the manner  
 35 provided by this section, every retailer shall add the tax imposed by the museum and cultural district  
 36 ~~[pursuant to]~~ under this section to the retailer's sale price, and when so added such tax shall  
 37 constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be  
 38 recoverable at law in the same manner as the purchase price.

39 4. In order to permit sellers required to collect and report the sales tax authorized by this  
 40 section to collect the amount required to be reported and remitted, but not to change the  
 41 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid  
 42 fractions of pennies, the ~~[museum and cultural district may establish appropriate brackets which~~  
 43 ~~shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided~~  
 44 ~~in]~~ tax shall be calculated as authorized under the provisions of section 144.285.

45 5. All revenue received by a museum and cultural district from the tax authorized by this  
 46 section which has been designated for a certain museum or cultural purpose shall be deposited in a  
 47 special trust fund and shall be used solely for such designated purpose. All funds remaining in the  
 48 special trust fund shall continue to be used solely for such designated museum or cultural purpose.  
 49 Any funds in such special trust fund which are not needed for current expenditures may be invested

1 by the board of directors in accordance with applicable laws relating to the investment of other  
2 museum or cultural district funds.

3 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one  
4 percent or one percent on the receipts from the sale at retail of all tangible personal property or  
5 taxable services at retail within the museum and cultural district adopting such tax, if such property  
6 and services are subject to taxation by ~~[the state of Missouri pursuant to the provisions of sections~~  
7 ~~144.010 to 144.525]~~ this state under chapter 144. Any museum and cultural district sales tax  
8 imposed ~~[pursuant to]~~ under this section shall be imposed at a rate that shall be uniform throughout  
9 the district.

10 7. On and after the effective date of any tax imposed ~~[pursuant to]~~ under this section, the  
11 ~~[museum and cultural district]~~ director of revenue shall perform all functions incident to the  
12 administration, collection, enforcement, and operation of the tax. The tax imposed ~~[pursuant to]~~  
13 under this section shall be collected and reported upon such forms and under such administrative  
14 rules and regulations as may be prescribed by the ~~[museum and cultural district]~~ director of revenue.

15 8. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ chapter 144  
16 governing the state sales tax, sections 32.085 ~~[and]~~ to 32.087, and section 32.057, the uniform  
17 confidentiality provision, shall apply to the collection of the tax imposed by this section, except as  
18 modified in this section. All revenue collected under this section by the director of the department of  
19 revenue on behalf of the museum and cultural districts ~~[, except for one percent for the cost of~~  
20 ~~collection which shall be deposited in the state's general revenue fund,]~~ shall be deposited in a  
21 special trust fund, which is hereby created and shall be known as the "Missouri Museum Cultural  
22 District Tax Fund", and shall be used solely for such designated purpose. ~~[Moneys in the fund shall~~  
23 ~~not be deemed to be state funds, and shall not be commingled with any funds of the state.]~~ The  
24 director may make refunds from the amounts in the fund and credited to the district for erroneous  
25 payments and overpayments made, and may redeem dishonored checks and drafts deposited to the  
26 credit of such county.

27 9. All exemptions granted to agencies of government, organizations, persons and to the sale  
28 of certain articles and items of tangible personal property and taxable services ~~[pursuant to the~~  
29 ~~provisions of sections 144.010 to 144.525]~~ under chapter 144 are hereby made applicable to the  
30 imposition and collection of the tax imposed by this section.

31 10. The same sales tax permit, exemption certificate and retail certificate required ~~[by~~  
32 ~~sections 144.010 to 144.525]~~ under chapter 144 for the administration and collection of the state  
33 sales tax shall satisfy the requirements of this section, and no additional permit or exemption  
34 certificate or retail certificate shall be required; except that the museum and cultural district may  
35 prescribe a form of exemption certificate for an exemption from the tax imposed ~~[by]~~ under this  
36 section.

37 11. The penalties provided in section 32.057 and ~~[sections 144.010 to 144.525]~~ chapter 144  
38 for violation of those sections are hereby made applicable to violations of this section.

39 12. ~~[For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail~~  
40 ~~sales except retail sales of motor vehicles shall be deemed to be consummated at the place of~~  
41 ~~business of the retailer unless the tangible personal property sold is delivered by the retailer or the~~  
42 ~~retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state~~  
43 ~~destination. In the event a retailer has more than one place of business in this state which~~  
44 ~~participates in the sale, the sale shall be deemed to be consummated at the place of business of the~~  
45 ~~retailer where the initial order for the tangible personal property is taken, even though the order shall~~  
46 ~~be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's~~  
47 ~~employee shall be deemed to be consummated at the place of business from which the employee~~  
48 ~~works.~~

49 ~~—————13.]~~ All sales taxes collected by the museum and cultural district shall be deposited by the

1 museum and cultural district in a special fund to be expended for the purposes authorized in this  
 2 section. The museum and cultural district shall keep accurate records of the amount of money which  
 3 was collected ~~[pursuant to]~~ under this section, and the records shall be open to the inspection by the  
 4 officers and directors of each museum and cultural district and the Missouri department of revenue.  
 5 Tax returns filed by businesses within the district shall otherwise be considered as confidential in the  
 6 same manner as sales tax returns filed with the Missouri department of revenue.

7 ~~[14.]~~ 13. No museum and cultural district imposing a sales tax ~~[pursuant to]~~ under this  
 8 section may repeal or amend such sales tax unless such repeal or amendment will not impair the  
 9 district's ability to repay any liabilities which it has incurred, money which it has borrowed or  
 10 revenue bonds, notes or other obligations which it has issued or which have been issued to finance  
 11 any project or projects.

12 14. Except as modified in this section, all provisions under sections 32.085 to 32.087 shall  
 13 apply to the tax imposed under this section."; and

14  
 15 Further amend said bill, Page 47, Section 191.1116, Line 7, by inserting after said section and line  
 16 the following:

17  
 18 "221.407. 1. The commission of any regional jail district may impose, by order, a sales tax  
 19 in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent,  
 20 or one-half of one percent on all retail sales made in such region which are subject to taxation  
 21 ~~[pursuant to the provisions of sections 144.010 to 144.525]~~ under chapter 144 for the purpose of  
 22 providing jail services and court facilities and equipment for such region. The tax authorized by this  
 23 section shall be in addition to any and all other sales taxes allowed by law, except that no order  
 24 imposing a sales tax ~~[pursuant to]~~ under this section shall be effective unless the commission  
 25 submits to the voters of the district, on any election date authorized in chapter 115, a proposal to  
 26 authorize the commission to impose a tax.

27 2. The ballot of submission shall contain, but need not be limited to, the following language:  
 28 Shall the regional jail district of \_\_\_\_\_ (counties' names) impose a region-  
 29 wide sales tax of \_\_\_\_\_ (insert ~~[amount]~~ rate of percent) for the purpose of providing jail  
 30 services and court facilities and equipment for the region?

31 ☐ YES

32 ☐ NO

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

35  
 36 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon  
 37 are in favor of the proposal, then the order and any amendment to such order shall be in effect ~~[on~~  
 38 ~~the first day of the second quarter immediately following the election approving the proposal]~~ as  
 39 provided by subsection 19 of section 32.087. If the proposal receives less than the required  
 40 majority, the commission shall have no power to impose the sales tax authorized ~~[pursuant to]~~ under  
 41 this section unless and until the commission shall again have submitted another proposal to  
 42 authorize the commission to impose the sales tax authorized by this section and such proposal is  
 43 approved by the required majority of the qualified voters of the district voting on such proposal;  
 44 however, in no event shall a proposal ~~[pursuant to]~~ under this section be submitted to the voters  
 45 sooner than twelve months from the date of the last submission of a proposal ~~[pursuant to]~~ under  
 46 this section.

47 3. All revenue received by a district from the tax authorized ~~[pursuant to]~~ under this section  
 48 shall be deposited in a special trust fund and shall be used solely for providing jail services and court  
 49 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]~~ under 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 Sales Tax Trust Fund". The moneys in the regional jail district 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 district imposing a sales tax ~~[pursuant to]~~ under this section, and the records shall be open to the inspection of officers of each member 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 district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid ~~[pursuant to]~~ under an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission 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 subsection 19 of 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 district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

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

8. The provisions of this section shall expire September 30, 2028."; and

Further amend said bill, Page 47, Section 227.802, Line 4, by inserting after said section and line the following:

"238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation ~~[pursuant to the provisions of sections 144.010 to 144.525]~~ under chapter 144, 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 all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance]~~ , electricity, piped natural or artificial gas, or other fuels delivered by the seller. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development

district in its ballot of submission to its qualified voters, except that no resolution enacted ~~[pursuant to]~~ under the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax ~~[pursuant to the provisions of]~~ under this section; or

(b) The voters approved the question certified by the petition filed ~~[pursuant to]~~ under subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax ~~[pursuant to]~~ under the provisions of paragraph (a) of 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]~~ rate of percent) 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 as provided by subsection 19 of section 32.087. 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]~~ under 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]~~ under subdivision (2) of this subsection or if the tax authorized ~~[by]~~ under this section is repealed ~~[pursuant to]~~ under

subsection ~~[6]~~ 4 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]~~ this state under chapter 144, 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]~~ under this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax ~~[pursuant to]~~ under this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided ~~[in sections 144.010 to 144.525]~~ under chapter 144, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. ~~[On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.]~~

~~4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.~~

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

~~(3) 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 transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.~~

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

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

~~(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles 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.

—5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected ~~[pursuant to]~~ under this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

~~[6.]~~ 4. (1) No transportation development district imposing a sales tax ~~[pursuant to]~~ under 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 by the 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]~~ under 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 as provided by subsection 19 of section 32.087. 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]~~ under 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]~~ chapter 144. 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] rate of percent) 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]~~ as provided by subsection 19 of section 32.087. 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 section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax ~~[pursuant to]~~ under this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided ~~[in]~~ under subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed ~~under [the provisions of]~~ this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed as provided by subsection 19 of section 32.087. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided ~~[in sections 144.010 to 144.525]~~ under chapter 144 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved ~~[pursuant to]~~ under this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed ~~[by sections 144.010 to 144.525]~~ under chapter 144 and the tax imposed by this section, plus any amounts imposed under other provisions of law.

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 the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section.

1 The tax imposed under this section and the tax imposed under the sales tax law of the state of  
 2 Missouri shall be collected together and reported upon such forms and under such administrative  
 3 rules and regulations as may be prescribed by the director of revenue. In order to permit sellers  
 4 required to collect and report the sales tax to collect the amount required to be reported and  
 5 remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the  
 6 tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall  
 7 apply to all taxable transactions.

8 7. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ chapter 144  
 9 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to  
 10 the collection of the tax imposed by this section, except as modified in this section. All exemptions  
 11 granted to agencies of government, organizations, persons and to the sale of certain articles and  
 12 items of tangible personal property and taxable services under the provisions of ~~[sections 144.010 to~~  
 13 ~~144.525]~~ chapter 144 are hereby made applicable to the imposition and collection of the tax  
 14 imposed by this section. The same sales tax permit, exemption certificate and retail certificate  
 15 required ~~[by sections 144.010 to 144.525]~~ under chapter 144 for the administration and collection of  
 16 the state sales tax shall satisfy the requirements of this section, and no additional permit or  
 17 exemption certificate or retail certificate shall be required; except that the director of revenue may  
 18 prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All  
 19 discounts allowed the retailer under the provisions of the state sales tax law for the collection of and  
 20 for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes  
 21 collected under the provisions of this section. The penalties provided in section 32.057 and  
 22 ~~[sections 144.010 to 144.525]~~ chapter 144 for a violation of those sections are hereby made  
 23 applicable to violations of this section.

24 8. ~~[For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be~~  
 25 ~~deemed to be consummated at the place of business of the retailer, except for tangible personal~~  
 26 ~~property sold which is delivered by the retailer or his agent to an out-of-state destination or to a~~  
 27 ~~common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles,~~  
 28 ~~trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the~~  
 29 ~~event a retailer has more than one place of business in this state which participates in the sale, the~~  
 30 ~~sale shall be deemed to be consummated at the place of business of the retailer where the initial~~  
 31 ~~order for the tangible personal property is taken, even though the order must be forwarded elsewhere~~  
 32 ~~for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be~~  
 33 ~~deemed to be consummated at the place of business from which he works.~~

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

45 ~~[10.]~~ 9. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from  
 46 the amounts in the trust fund and credited to any transit authority for erroneous payments and  
 47 overpayments made, and may ~~[authorize the state treasurer to]~~ redeem dishonored checks and drafts  
 48 deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the  
 49 transit authority 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 subsection 19 of 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 transit authority, the director of revenue shall ~~[authorize the state treasurer to]~~ remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

~~[41-]~~ 10. The director of revenue and any of his deputies, assistants and employees who shall 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 this section shall enter a surety bond or bonds payable to 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.

~~[42-]~~ 11. Sales taxes imposed ~~[pursuant to]~~ under 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.

~~[43-]~~ 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]~~ under chapter 144. 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.

~~[44-]~~ 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

1 this section. The proceeds from such sale shall first be applied to all sums due the state, and the  
2 remainder, if any, shall be applied to all sums due such transit authority under this section.

3 ~~[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall~~  
4 ~~notify any and all affected businesses of the change in tax rate caused by the imposition of the tax~~  
5 ~~authorized by sections 238.400 to 238.412.~~

6 ~~16.] 14.~~ In the event that any transit authority in any county with a charter form of  
7 government and with more than two hundred fifty thousand but fewer than three hundred fifty  
8 thousand inhabitants submits a proposal in any election to increase the sales tax under this section,  
9 and such proposal is approved by the voters, the county shall be reimbursed for the costs of  
10 submitting such proposal from the funds derived from the tax levied under this section.

11 15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to  
12 32.087 shall apply to the tax imposed under sections 238.410 and 238.412."; and

13  
14 Further amend said bill, Page 53, Section 321.242, Line 70, by inserting after said section and line  
15 the following:

16  
17 "644.032. 1. The governing body of any municipality or county may impose, by ordinance  
18 or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in  
19 such municipality or county which are subject to taxation under the provisions of ~~[sections 144.010~~  
20 ~~to 144.525]~~ chapter 144. The tax authorized by this section and section 644.033 shall be in addition  
21 to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales  
22 tax under the provisions of this section and section 644.033 shall be effective unless the governing  
23 body of the municipality or county submits to the voters of the municipality or county, at a  
24 municipal, county or state general, primary or special election, a proposal to authorize the governing  
25 body of the municipality or county to impose a tax, provided, that the tax authorized by this section  
26 shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any  
27 county with a charter form of government and with more than one million inhabitants.

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

29 Shall the municipality (county) of \_\_\_\_\_ impose a sales tax of \_\_\_\_\_ (insert  
30 ~~[amount]~~ rate of percent) for the purpose of providing funding for \_\_\_\_\_ (insert  
31 either storm water control, or local parks, or storm water control and local parks) for the  
32 municipality (county)?

33 ☐ YES ☐ NO

34  
35 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
36 the proposal, then the ordinance or order and any amendments thereto shall ~~[be in effect on the first~~  
37 ~~day of the second quarter after the director of revenue receives notice of adoption of the tax]~~ become  
38 effective as provided in subsection 19 of section 32.087. If a majority of the votes cast by the  
39 qualified voters voting are opposed to the proposal, then the governing body of the municipality or  
40 county shall not impose the sales tax authorized in this section and section 644.033 until the  
41 governing body of the municipality or county resubmits another proposal to authorize the governing  
42 body of the municipality or county to impose the sales tax authorized by this section and section  
43 644.033 and such proposal is approved by a majority of the qualified voters voting thereon;  
44 however, in no event shall a proposal ~~[pursuant to]~~ under this section and section 644.033 be  
45 submitted to the voters sooner than twelve months from the date of the last proposal ~~[pursuant to]~~  
46 under this section and section 644.033.

47 3. All revenue received by a municipality or county from the tax authorized under ~~[the~~  
48 ~~provisions of]~~ this section and section 644.033 shall be deposited in a special trust fund and shall be  
49 used to provide funding for storm water control or for local parks, or both, within such municipality

or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement ~~[pursuant to]~~ under section 70.220.

4. 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 municipal or county funds.

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

~~[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the county with sufficient information to perform such duties in such form as may be agreed upon by the director and the county at no cost to the county. The county shall be bound by the provisions of section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director's powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]~~

~~[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]~~

~~[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805.]; and~~

Further amend said bill, Page 55, Section 82.1029, Line 72. by inserting after said section and line the following:

~~"[144.043. 1. As used in this section, the following terms mean:~~  
~~(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;~~  
~~(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame~~

parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

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

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

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any 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, 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.]

[144.069. All sales taxes associated with the titling of motor vehicles, trailers, boats and outboard motors under the laws of Missouri shall be imposed at the rate in effect at the location of the address of the owner thereof, and all sales taxes associated with the titling of vehicles under leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors shall be imposed at the rate in effect, unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the location of the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected and remitted on such sales from the purchaser or lessee by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of

study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

- (1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;
- (2) "Engages in business activities within this state" includes:
  - (a) 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 pursuant to sections 144.010 to 144.525;
  - (b) Soliciting sales or taking orders by sales agents or traveling representatives;
  - (c) A vendor is presumed to engage in business activities within this state if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:
    - a. Sells a similar line of products as the vendor and does so under the same or a similar business name;
    - b. Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;
    - c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;
    - d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or
    - e. Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;
  - (d) The presumption in paragraph (c) may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;
  - (e) Notwithstanding paragraph (c), a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor

to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months;

(f) ~~The presumption in paragraph (e) may be rebutted by submitting proof that the residents with whom the vendor has an agreement did not engage in any activity within the state that was significantly associated with the vendor's ability to establish or maintain the vendor's market in the state during the preceding twelve months. Such proof may consist of sworn written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the vendor during the preceding year provided that such statements were provided and obtained in good faith;~~

(3) ~~"Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business in this state, whether owned or operated by the vendor or by any other person other than a common carrier acting in its capacity as such;~~

(4) ~~"Person", any individual, firm, copartnership, joint venture, 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;~~

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

(6) ~~"Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;~~

(7) ~~"Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;~~

(8) ~~"Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the~~

1 sale, valued in money, whether paid in money or otherwise, and any  
 2 amount for which credit is given to the purchaser by the vendor,  
 3 without any deduction therefrom on account of the cost of the  
 4 property sold, the cost of materials used, labor or service cost, losses  
 5 or any other expenses whatsoever, except that cash discounts allowed  
 6 and taken on sales shall not be included and "sales price" shall not  
 7 include the amount charged for property returned by customers upon  
 8 rescission of the contract of sales when the entire amount charged  
 9 therefor is refunded either in cash or credit or the amount charged for  
 10 labor or services rendered in installing or applying the property sold,  
 11 the use, storage or consumption of which is taxable pursuant to  
 12 sections 144.600 to 144.745. The sales price shall not include usual  
 13 and customary delivery charges that are separately stated. In  
 14 determining the amount of tax due pursuant to sections 144.600 to  
 15 144.745, any charge incident to the extension of credit shall be  
 16 specifically exempted;

17 (9) "Selling agent", every person acting as a representative of a  
 18 principal, when such principal is not registered with the director of  
 19 revenue of the state of Missouri for the collection of the taxes imposed  
 20 pursuant to sections 144.010 to 144.525 or sections 144.600 to  
 21 144.745 and who receives compensation by reason of the sale of  
 22 tangible personal property of the principal, if such property is to be  
 23 stored, used, or consumed in this state;

24 (10) "Storage", any keeping or retention in this state of tangible  
 25 personal property purchased from a vendor, except property for sale or  
 26 property that is temporarily kept or retained in this state for  
 27 subsequent use outside the state;

28 (11) "Tangible personal property", all items subject to the Missouri  
 29 sales tax as provided in subdivisions (1) and (3) of section 144.020;

30 (12) "Taxpayer", any person remitting the tax or who should remit the  
 31 tax levied by sections 144.600 to 144.745;

32 (13) "Use", the exercise of any right or power over tangible personal  
 33 property incident to the ownership or control of that property, except  
 34 that it does not include the temporary storage of property in this state  
 35 for subsequent use outside the state, or the sale of the property in the  
 36 regular course of business;

37 (14) "Vendor", every person engaged in making sales of tangible  
 38 personal property by mail order, by advertising, by agent or peddling  
 39 tangible personal property, soliciting or taking orders for sales of  
 40 tangible personal property, for storage, use or consumption in this  
 41 state, all salesmen, solicitors, hawkers, representatives, consignees,  
 42 peddlers or canvassers, as agents of the dealers, distributors,  
 43 consignors, supervisors, principals or employers under whom they  
 44 operate or from whom they obtain the tangible personal property sold  
 45 by them, and every person who maintains a place of business in this  
 46 state, maintains a stock of goods in this state, or engages in business  
 47 activities within this state and every person who engages in this state  
 48 in the business of acting as a selling agent for persons not otherwise  
 49 vendors as defined in this subdivision. Irrespective of whether they

are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

- (1) "Agreement", the streamlined sales and use tax agreement;
- (2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;
- (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

1 ~~agreement. Such delegates shall make a written report by the fifteenth~~  
 2 ~~day of January each year regarding the status of the multistate~~  
 3 ~~discussions and upon final adoption of the terms of the sales and use~~  
 4 ~~tax agreement by the multistate body.]~~

5  
 6 ~~[144.1009. No provision of the agreement authorized by sections~~  
 7 ~~144.1000 to 144.1015 in whole or in part invalidates or amends any~~  
 8 ~~provision of the law of this state. Implementation of any condition of~~  
 9 ~~this agreement in this state, whether adopted before, at, or after~~  
 10 ~~membership of this state in the agreement, must be by action of the~~  
 11 ~~general assembly. Such report shall be delivered to the governor, the~~  
 12 ~~secretary of state, the president pro tempore of the senate and the~~  
 13 ~~speaker of the house of representatives and shall simultaneously be~~  
 14 ~~made publicly available by the secretary of state to any person~~  
 15 ~~requesting a copy.]~~

16  
 17 ~~[144.1012. Unless five of the seven delegates agree, the delegates~~  
 18 ~~shall not enter into or vote for any streamlined sales and use tax~~  
 19 ~~agreement that:~~  
 20 ~~(1) Requires adoption of a definition of any term that would cause~~  
 21 ~~any item or transaction that is now excluded or exempted from sales~~  
 22 ~~or use tax to become subject to sales or use tax;~~  
 23 ~~(2) Requires the state of Missouri to fully exempt or fully apply sales~~  
 24 ~~taxes to the sale of food or any other item;~~  
 25 ~~(3) Restricts the ability of local governments under statutes in effect~~  
 26 ~~on August 28, 2002, to enact one or more local taxes on one or more~~  
 27 ~~items without application of the tax to all sales within the taxing~~  
 28 ~~jurisdiction, however, restriction of any such taxes allowed by statutes~~  
 29 ~~effective after August 28, 2002, may be supported;~~  
 30 ~~(4) Provides for adoption of any uniform rate structure that would~~  
 31 ~~result in a tax increase for any Missouri taxpayer;~~  
 32 ~~(5) Affects the sourcing of sales tax transactions; or~~  
 33 ~~(6) Prohibits limitations or thresholds on the application of sales and~~  
 34 ~~use tax rates or prohibits any current sales or use tax exemption in the~~  
 35 ~~state of Missouri, including exemptions that are based on the value of~~  
 36 ~~the transaction or item.]~~

37  
 38 ~~[144.1015. In addition to the requirements of section 144.1012, the~~  
 39 ~~delegates should consider the following features when deciding~~  
 40 ~~whether or not to enter into any streamlined sales and use tax~~  
 41 ~~agreement:~~  
 42 ~~(1) The agreement should address the limitation of the number of~~  
 43 ~~state rates over time;~~  
 44 ~~———(2) The agreement should establish uniform standards for~~  
 45 ~~administration of exempt sales and the form used for filing sales and~~  
 46 ~~use tax returns and remittances;~~  
 47 ~~(3) The agreement should require the state to provide a central,~~  
 48 ~~electronic registration system that allows a seller to register to collect~~  
 49 ~~and remit sales and use taxes for all signatory states;~~

(4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;  
 (5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:  
 (a) Restricting variances between the state and local tax bases;  
 (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;  
 (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and  
 (d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;  
 (6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;  
 (7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;  
 (8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and  
 (9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]" and

Further amend said bill and page, Section C, Line 2, by inserting after said section and line the following:

"Section D. This enactment of sections 32.070, 32.086, 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 144.010, 144.011, 144.014, 144.020, 144.021, 144.022, 144.030, 144.032, 144.049, 144.054, 144.060, 144.079, 144.080, 144.082, 144.083, 144.084, 144.100, 144.105, 144.108, 144.109, 144.111, 144.112, 144.113, 144.114, 144.123, 144.124, 144.125, 144.140, 144.190, 144.210, 144.212, 144.285, 144.526, 144.560, 144.600, 144.612, 144.655, 144.710, 144.759, 144.761, 184.845, 221.407, 238.235, 238.410, and 644.032, concerning the "Streamlined Sales and Use Tax Agreement Act"

- 1 shall become effective on January 1, 2010."; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.