

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 108, Page 1, Section A, Line 3, by inserting 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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1 recommend to the committees responsible for reviewing tax issues in the senate and the house of
 2 representatives any amendment of state statutes required to be substantially in compliance with the
 3 agreement. Such delegates shall make a written report by the fifteenth day of January each year
 4 regarding the status of the agreement.

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

14 7. Under section 23.253 of the Missouri sunset act:

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

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

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

21 32.086. Notwithstanding any other provision of law, for all local sales and use taxes
 22 collected by the department of revenue and remitted to a political jurisdiction or taxing district, the
 23 department shall remit one percent of the amount collected to the general revenue fund to offset the
 24 cost of collection unless a greater amount is specified in the local sales and use tax law. The
 25 department shall not commingle the remaining amounts collected with general revenue and shall
 26 remit the remaining amounts collected to the political jurisdiction or taxing district, less any credits
 27 for erroneous payments, overpayments, and dishonored checks.

28 32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption
 29 of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the
 30 governing body or official of such taxing entity shall forward to the director of revenue by United
 31 States registered mail or certified mail a certified copy of the ordinance or order. [~~The ordinance or~~
 32 order shall reflect the effective date thereof.]

33 2. Any local sales tax so adopted shall become effective [~~on the first day of the second~~
 34 calendar quarter after the director of revenue receives notice of adoption of the local sales tax,
 35 except] as provided in subsection [~~18~~] 19 of this section, and shall be imposed on all transactions on
 36 which the Missouri state sales tax is imposed.

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

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

47 —5.] (1) The ordinance or order imposing a local sales tax under the local sales tax law shall
 48 impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent
 49 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

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

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

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

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

24 Shall the _____ (local jurisdiction's name) apply and collect the local
 25 sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state
 26 sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?
 27

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

32 YES NO
 33

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

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

40 ~~[6-]~~ 5. On and after the effective date of any local sales tax imposed under the provisions of
 41 the local sales tax law, the director of revenue shall perform all functions incident to the
 42 administration, collection, enforcement, and operation of the tax, and the director of revenue shall
 43 collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized
 44 under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax
 45 law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected
 46 together and reported upon such forms and under such administrative rules and regulations as may
 47 be prescribed by the director of revenue.

48 ~~[7-]~~ 6. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ chapter 144
 49 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.

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

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

9 20. (1) For a rate increase, the new rate shall apply to the first billing period starting on or
 10 after the effective date;

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

13 66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600
 14 to 66.630 on behalf of any county [~~less one percent for cost of collection which shall be deposited~~
 15 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~
 16 ~~section 32.087,]~~ shall be deposited in a special trust fund, which is hereby created, to be known as
 17 the "County Sales Tax Trust Fund". [~~The moneys in the county sales tax trust fund shall not be~~
 18 ~~deemed to be state funds and shall not be commingled with any funds of the state.] The director of
 19 revenue shall keep accurate records of the amount of money in the trust fund which was collected in
 20 each county imposing a county sales tax, and the records shall be open to the inspection of officers
 21 of the county and the public. Not later than the tenth day of each month, the director of revenue
 22 shall distribute all moneys deposited in the trust fund during the preceding month to the county
 23 which levied the tax; such funds shall be deposited with the treasurer of the county and all
 24 expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to
 25 be enacted by the legislative council of the county, and to the cities, towns and villages located
 26 wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600
 27 to 66.630.~~

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

48 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and
 49 villages in group A the taxes based on the location in which the sales were deemed consummated

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

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

28 5. (1) From and after January 1, 2017, in each year in which the total revenues from the
29 county sales tax collected under sections 66.600 to 66.630 in the previous calendar year are less than
30 or equal to the amount of such revenues which were collected in the calendar year 2014, the director
31 of revenue shall distribute to the cities, towns, and villages in group A and the cities, towns, and
32 villages, and the county in group B, the amounts required to be distributed under the formula
33 described in subsection 4 and in subsection 6 of this section. From and after January 1, 2017, in
34 each year in which the total revenues from the county sales tax collected under sections 66.600 to
35 66.630 in the previous calendar year is greater than the amount of such revenues which were
36 collected in the calendar year 2014, the director of revenue shall distribute to the cities, towns, and
37 villages in group A a portion of the taxes based on the location in which the sales were deemed
38 consummated under section 66.630 and subsection [42] 11 of section 32.087, in accordance with the
39 formula described in this subsection and in subsection 6. After deducting the distribution to the
40 cities, towns, and villages in group A, the director of revenue shall, subject to the limitation
41 described in subdivision (2) of this subsection, distribute funds in the county sales tax trust fund to
42 the cities, towns, and villages, and the county in group B as follows: to the county which levied the
43 tax, ten percent multiplied by the percentage of the population of unincorporated county which has
44 been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues
45 countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio
46 that the population of unincorporated areas of the county bears to the total population of group B as
47 adjusted such that no city, town, or village in group B shall receive a distribution that is less than
48 fifty percent of the amount of taxes generated within such city, town, or village based on the
49 location in which the sales were deemed consummated under section 66.630 and subsection [42] 11

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

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

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

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

1 the amount of the adjustment that would otherwise have been made if such adjustment were
2 calculated in accordance with paragraph (a) of this subdivision;

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

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

17 6. (1) For purposes of administering the distribution formula of subsections 4 and 5 of this
18 section, the revenues arising each year from sales occurring within each group A city, town or
19 village shall be distributed as follows: until such revenues reach the adjusted county average, as
20 hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced
21 by the percentage which is equal to ten percent multiplied by the percentage of the population of
22 unincorporated county which has been annexed or incorporated after April 1, 1993; and once
23 revenues exceed the adjusted county average, total revenues shall be shared in accordance with the
24 redistribution formula as defined in this subsection.

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

1 product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the
2 total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted
3 county average. From and after January 1, 2000, the distribution formula covering the period from
4 January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed
5 for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within
6 which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for
7 municipalities within which sales tax revenues exceed the adjusted county average by at least
8 twenty-five percent.

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

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

39 7. If the qualified voters of any city, town or village vote to change or alter its boundaries by
40 annexing any unincorporated territory included in group B or if the qualified voters of one or more
41 city, town or village in group A and the qualified voters of one or more city, town or village in group
42 B vote to consolidate, the area annexed or the area consolidated which had been a part of group B
43 shall remain a part of group B after annexation or consolidation. After the effective date of the
44 annexation or consolidation, the annexing or consolidated city, town or village shall receive a
45 percentage of the group B distributable revenue equal to the percentage ratio that the population of
46 the annexed or consolidated area bears to the total population of group B and such annexed area
47 shall not be classified as unincorporated area for determination of the percentage allocable to the
48 county. If the qualified voters of any two or more cities, towns or villages in group A each vote to
49 consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall

1 remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as
2 determined by the last federal decennial census or the latest census that determines the total
3 population of the county and all political subdivisions therein. For the purpose of calculating the
4 adjustment based on the percentage of unincorporated county population which is annexed after
5 April 1, 1993, the accumulated percentage immediately before each census shall be used as the new
6 percentage base after such census. After any annexation, incorporation or other municipal boundary
7 change affecting the unincorporated area of the county, the chief elected official of the county shall
8 certify the new population of the unincorporated area of the county and the percentage of the
9 population which has been annexed or incorporated since April 1, 1993, to the director of revenue.
10 After the adoption of the county sales tax ordinance, any city, town or village in group A may by
11 adoption of an ordinance by its governing body cease to be a part of group A and become a part of
12 group B. Within ten days after the adoption of the ordinance transferring the city, town or village
13 from one group to the other, the clerk of the transferring city, town or village shall forward to the
14 director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city
15 as a part of its former group shall cease and as a part of its new group shall begin on the first day of
16 January of the year following notification to the director of revenue, provided such notification is
17 received by the director of revenue on or before the first day of July of the year in which the
18 transferring ordinance is adopted. If such notification is received by the director of revenue after the
19 first day of July of the year in which the transferring ordinance is adopted, then distribution to such
20 city as a part of its former group shall cease and as a part of its new group shall begin the first day of
21 July of the year following such notification to the director of revenue. Once a group A city, town or
22 village becomes a part of group B, such city may not transfer back to group A.

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

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

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

2 10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 ~~[and]~~
3 to 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

4 67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to
5 67.395 on behalf of any county ~~[, less one percent for cost of collection which shall be deposited in~~
6 ~~the state's general revenue fund after payment of premiums for surety bonds as provided in section~~
7 ~~32.087]~~ shall be deposited with the state treasurer in a special trust fund, which is hereby created, to
8 be known as the "County Anti-Drug Sales Tax Trust Fund". ~~[The moneys in the county anti-drug~~
9 ~~sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any~~
10 ~~funds of the state.]~~ The director of revenue shall keep accurate records of the amount of money in
11 the trust fund which was collected in each county imposing a sales tax under sections 67.391 to
12 67.395, and the records shall be open to the inspection of officers of the county and the public. Not
13 later than the tenth day of each month, the director of revenue shall distribute all moneys deposited
14 in the trust fund during the preceding month to the county which levied the tax. Such funds shall be
15 deposited with the county treasurer of each such county, and all expenditures of funds arising from
16 the county anti-drug sales tax trust fund shall be by an appropriation act to be enacted by the
17 governing body of each such county.

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

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

32 67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500
33 to 67.545 on behalf of any county ~~[, less one percent for cost of collection, which shall be deposited~~
34 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~
35 ~~section 32.087.]~~ shall be deposited with the state treasurer in a county sales tax trust fund, which
36 fund shall be separate and apart from the county sales tax trust fund established by section 66.620.
37 ~~[The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not~~
38 ~~be commingled with any funds of the state.]~~ The director of revenue shall keep accurate records of
39 the amount of money in the trust fund which was collected in each county imposing a county sales
40 tax, and the records shall be open to the inspection of officers of the county and to the public. Not
41 later than the tenth day of each month the director of revenue shall distribute all moneys deposited
42 in the trust fund during the preceding month by distributing to the county treasurer, or such other
43 officer as may be designated by the county ordinance or order, of each county imposing the tax
44 authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of
45 revenue.

46 2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
47 amounts in the trust fund and credited to any county for erroneous payments and overpayments
48 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any
49 county abolishes the tax, the county shall notify the director of revenue of the action ~~[at least ninety~~

1 ~~days prior to the effective date of the repeal,~~] and the director of revenue may order retention in the
 2 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
 3 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
 4 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of
 5 abolition of the tax in such county, the director of revenue shall ~~[authorize the state treasurer to]~~
 6 remit the balance in the account to the county and close the account of that county. The director of
 7 revenue shall notify each county of each instance of any amount refunded or any check redeemed
 8 from receipts due the county.

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

11 67.571. 1. The governing body of any county of the first classification with a population of
 12 more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in
 13 addition to any tourism sales tax imposed ~~[pursuant to]~~ under sections 67.671 to 67.685, by a
 14 majority vote, impose a sales tax on all retail sales made in the county which are subject to sales tax
 15 under chapter 144 for the funding of museums and festivals. For purposes of this section, the term
 16 "funding of museums and festivals" shall mean:

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

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

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

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

27 YES NO

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

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

42 5. The governing body of any county which imposes a sales tax ~~[pursuant to]~~ under this
 43 section may establish a museums and festivals board for the purpose of expending funds collected
 44 from any sales tax submitted and approved by the county's voters ~~[pursuant to]~~ under this section.
 45 The board shall be comprised of six members who are appointed by the governing body of the
 46 county from a list of candidates supplied by the chair of each of the two major political parties of the
 47 county. The board shall be comprised of three members from each of the two political parties.
 48 Members shall serve for three-year terms, but of the members first appointed, one shall be appointed
 49 for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for

1 a term of three years. Each member shall be a resident of the county from which he or she is
 2 appointed. The members of the board shall not receive compensation for service on the board, but
 3 shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred
 4 in service on the board.

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

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

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

19 67.576. 1. The following provisions shall govern the collection of the tax imposed by the
 20 provisions of sections 67.571 to 67.577:

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

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

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

33 3. All discounts allowed the retailer ~~pursuant to~~ under the provisions of the state sales tax
 34 law for the collection of and for payment of taxes ~~pursuant to~~ under that act are hereby allowed
 35 and made applicable to any taxes collected ~~pursuant to~~ under the provisions of sections 67.571 to
 36 67.577.

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

40 5. ~~For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to~~
 41 ~~67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer]~~
 42 Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall
 43 apply to the tax imposed under sections 67.571 to 67.577.

44 67.578. 1. The governing authority of any county of the third classification without a
 45 township form of government and with more than sixteen thousand four hundred but less than
 46 sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-
 47 fifth of one percent on all retail sales made in the county which are subject to taxation ~~pursuant to~~
 48 ~~sections 144.010 to 144.525~~ under chapter 144, to be used solely for the funding of museums. For
 49 purposes of this section, the term "museums" means museums operating in the county, which are

1 registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are
 2 considered by the board to be a tourism attraction. The tax authorized by this section shall be in
 3 addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed
 4 ~~[pursuant to]~~ under this section unless the governing authority submits to the voters of the county, at
 5 a county or state general, primary, or special election, a proposal to authorize the governing
 6 authority to impose the tax.

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

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

13 YES NO

14
 15 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 16 the question, place an "X" in the box opposite "NO".

17
 18 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 19 the proposal, then the sales tax shall become effective ~~[on the first day of the second calendar~~
 20 ~~quarter after the director of revenue receives notice of the adoption of the tax]~~ as provided by
 21 subsection 19 of section 32.087. If the proposal receives less than the required majority of votes,
 22 then the governing authority shall have no power to impose the tax unless and until the governing
 23 authority has again submitted another proposal to authorize the governing authority to impose the
 24 sales tax authorized by this section and such proposal is approved by the required majority of the
 25 qualified voters voting thereon.

26 3. On or after the effective date of the tax, the director of revenue shall be responsible for
 27 the administration, collection, enforcement, and operation of the tax, and sections 32.085 ~~[and]~~ to
 28 32.087 shall apply. ~~[The director may retain an amount not to exceed one percent for deposit in the~~
 29 ~~general revenue fund to offset the costs of collection.]~~ In order to permit sellers required to collect
 30 and report the sales tax to collect the amount required to be reported and remitted, but not to change
 31 the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to
 32 avoid fractions of pennies, the ~~[governing authority may authorize the use of a bracket system~~
 33 ~~similar to that]~~ tax shall be calculated as authorized [in] under section 144.285[-, and
 34 ~~notwithstanding the provisions of that section, this new bracket system shall be used where this tax~~
 35 ~~is imposed and shall apply to all taxable transactions]~~. Beginning with the effective date of the tax,
 36 every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the
 37 purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the
 38 purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at
 39 the place of business of the retailer.

40 4. All applicable provisions in ~~[sections 144.010 to 144.525]~~ chapter 144 governing the state
 41 sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of
 42 the tax, and all exemptions granted to agencies of government, organizations, and persons ~~[pursuant~~
 43 ~~to sections 144.010 to 144.525]~~ under chapter 144 are hereby made applicable to the imposition and
 44 collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required
 45 ~~[by sections 144.010 to 144.525]~~ under chapter 144 for the administration and collection of the state
 46 sales tax shall satisfy the requirements of this section, and no additional permit or exemption
 47 certificate or retail certificate shall be required; except that, the director of revenue may prescribe a
 48 form of exemption certificate for an exemption from the tax. All discounts allowed the retailer
 49 ~~[pursuant to]~~ under the state sales tax law for the collection of and for payment of taxes are hereby

1 allowed and made applicable to the tax. The penalties for violations provided ~~[in]~~ under section
 2 32.057 and ~~[sections 144.010 to 144.525]~~ chapter 144 are hereby made applicable to violations of
 3 this section. If any person is delinquent in the payment of the amount required to be paid ~~[pursuant~~
 4 ~~to]~~ under this section, or in the event a determination has been made against the person for taxes and
 5 penalty ~~[pursuant to]~~ under this section, the limitation for bringing suit for the collection of the
 6 delinquent tax and penalty shall be the same as that provided ~~[in sections 144.010 to 144.525]~~ under
 7 chapter 144.

8 5. The governing authority may authorize any museum board already existing in the county,
 9 or may establish a museum board, to expend revenue collected ~~[pursuant to]~~ under this section. In
 10 the event that no museum board already exists, the board established ~~[pursuant to]~~ under this section
 11 shall consist of six members who are appointed by the governing authority from a list of candidates
 12 supplied by the chair of each of the two major political parties of the county, with three members
 13 from each of the two parties. Members shall serve for three-year terms, but of the members first
 14 appointed, ~~[one]~~ two shall be appointed for a term of one year, two shall be appointed for a term of
 15 two years, and two shall be appointed for a term of three years. Each member shall be a resident of
 16 the county. The members shall not receive compensation for service on the board, but shall be
 17 reimbursed from the revenues collected ~~[pursuant to]~~ under this section for any reasonable and
 18 necessary expenses incurred in service on the board. The board shall determine in what manner the
 19 revenues will be expended, and disbursements of these moneys shall be made strictly in accordance
 20 with this section. Expenditures may be made for the employment of personnel selected by the board
 21 to assist in carrying out the duties of the board, and the board is expressly authorized to employ such
 22 personnel.

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

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

28 YES NO

29
 30 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 31 the question, place an "X" in the box opposite "NO". ~~[If a majority of the votes cast on the proposal~~
 32 ~~are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar~~
 33 ~~year in which the repeal was approved.]~~

34 67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of
 35 the first class having a charter form of government and having a population of nine hundred
 36 thousand or more may impose an additional countywide sales tax on all retail sales made in the
 37 county which are subject to sales tax under chapter 144 upon approval by a vote of the qualified
 38 voters of the county. The proposal may be submitted to the voters by the governing body of the
 39 county and shall be submitted to the voters at the next general election upon petitions signed by a
 40 number of qualified voters residing in the county equal to at least eight percent of the votes cast in
 41 the county in the next preceding gubernatorial election filed with the governing body of the county.
 42 The submission shall include the levying of a sales tax at a rate of not to exceed two hundred
 43 seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible
 44 personal property or taxable services within the county which are also taxable under the provisions
 45 of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner
 46 provided in either subsection 4 or subsection 5 of this section. If either of the alternative
 47 distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the
 48 voters, then the alternative system of distribution may not be submitted to the voters for at least
 49 three years from the date of such voter approval.

1 2. The ballot of submission shall contain, but is not limited to, the following language:
 2 Shall the County of _____ levy an additional sales tax at the rate of
 3 _____ (insert rate of percent) and distribute the proceeds in the manner provided in
 4 _____ (insert proper reference) (subsection 4)(subsection 5) of section 67.581,
 5 RSMo?

6 YES NO

7
 8 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 9 the proposal, the additional sales tax shall be levied and collected and the proceeds from the
 10 additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section.
 11 If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal,
 12 then the governing body of the county shall have no power to impose the additional sales tax
 13 authorized by this section unless and until a proposal for the levy of such tax is submitted to and
 14 approved by the voters of the county.

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

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

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

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

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

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

6 YES NO

7
 8 If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon
 9 are in favor of the proposal, the sales tax imposed by the county under the provisions of sections
 10 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the
 11 manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified
 12 voters of the county voting thereon are opposed to the proposal, then the governing body of the
 13 county shall have no power to order the proceeds from the sales tax imposed ~~[pursuant to the~~
 14 ~~provisions of]~~ under sections 66.600 to 66.630 in the manner provided in this subsection in lieu of
 15 the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such
 16 method of distribution is submitted to and approved by the voters of the county. If the voters
 17 approve the change in the method of distribution of the sales tax proceeds in the manner provided in
 18 this subsection, the county clerk of the county shall notify the director of revenue of the change in
 19 the method of distribution within ten days after adoption of the proposal and shall inform the
 20 director of the effective date of the change in the method of distribution, which shall be on the first
 21 day of the third calendar quarter after the director of revenue receives notice. After the effective
 22 date of the change in the manner of distribution, the director of revenue shall distribute the proceeds
 23 of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the
 24 manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of
 25 section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to
 26 66.630 in any county which elects to have the proceeds distributed in the manner provided in this
 27 subsection shall be distributed in the following manner:

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

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

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

47 8. The county sales tax imposed ~~[pursuant to]~~ under this section on the purchase and sale of
 48 motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director
 49 of revenue at the time application is made for a certificate of title, if the address of the applicant is

1 within the county imposing the additional sales tax. [~~The amounts so collected, less one percent~~
 2 ~~collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance~~
 3 ~~with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at~~
 4 ~~the address of the applicant for a certificate of title.]~~

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

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

21 67.582. 1. The governing body of any county, except a county of the first class with a
 22 charter form of government with a population of greater than four hundred thousand inhabitants, is
 23 hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of
 24 one percent on all retail sales made in such county which are subject to taxation under [~~the~~
 25 ~~provisions of sections 144.010 to 144.525~~] chapter 144 for the purpose of providing law
 26 enforcement services for such county. The tax authorized by this section shall be in addition to any
 27 and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax
 28 under the provisions of this section shall be effective unless the governing body of the county
 29 submits to the voters of the county, at a county or state general, primary or special election, a
 30 proposal to authorize the governing body of the county to impose a tax.

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

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

34 Shall the county of _____ (county's name) impose a countywide sales tax
 35 of _____ (insert [~~amount~~] rate of percent) for the purpose of providing law enforcement
 36 services for the county?

37 YES NO

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

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

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

1 YES NO

2
3 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the
4 question, place an "X" in the box opposite "No".
5

6 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
7 the proposal submitted ~~[pursuant to]~~ under subdivision (1) of this subsection, then the ordinance or
8 order and any amendments thereto shall be in effect ~~[on the first day of the second quarter~~
9 ~~immediately following the election approving the proposal]~~ as provided by subsection 19 of section
10 32.087. If the constitutionally required percentage of the voters voting thereon are in favor of the
11 proposal submitted ~~[pursuant to]~~ under subdivision (2) of this subsection, then the ordinance or
12 order and any amendments thereto shall be in effect ~~[on the first day of the second quarter~~
13 ~~immediately following the election approving the proposal]~~ as provided by subsection 19 of section
14 32.087. If a proposal receives less than the required majority, then the governing body of the county
15 shall have no power to impose the sales tax herein authorized unless and until the governing body of
16 the county shall again have submitted another proposal to authorize the governing body of the
17 county to impose the sales tax authorized by this section and such proposal is approved by the
18 required majority of the qualified voters voting thereon. However, in no event shall a proposal
19 ~~[pursuant to]~~ under this section be submitted to the voters sooner than twelve months from the date
20 of the last proposal ~~[pursuant to]~~ under this section.

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

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

32 5. All sales taxes collected by the director of revenue under this section on behalf of any
33 county~~], less one percent for cost of collection which shall be deposited in the state's general~~
34 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall be
35 deposited in a special trust fund, which is hereby created, to be known as the "County Law
36 Enforcement Sales Tax Trust Fund". ~~[The moneys in the county law enforcement sales tax trust~~
37 ~~fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.]~~
38 The director of revenue shall keep accurate records of the amount of money in the trust and which
39 was collected in each county imposing a sales tax under this section, and the records shall be open to
40 the inspection of officers of the county and the public. Not later than the tenth day of each month
41 the director of revenue shall distribute all moneys deposited in the trust fund during the preceding
42 month to the county which levied the tax; such funds shall be deposited with the county treasurer of
43 each such county, and all expenditures of funds arising from the county law enforcement sales tax
44 trust fund shall be by an appropriation act to be enacted by the governing body of each such county.
45 Expenditures may be made from the fund for any law enforcement functions authorized in the
46 ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

47 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
48 amounts in the trust fund and credited to any county for erroneous payments and overpayments
49 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any

1 county abolishes the tax, the repeal of such tax shall become effective as provided in subsection 19
 2 of section 32.087. The county shall notify the director of revenue of the action [~~at least ninety days~~]
 3 prior to the effective date of the repeal and the director of revenue may order retention in the trust
 4 fund, for a period of one year, of two percent of the amount collected after receipt of such notice to
 5 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
 6 deposited to the credit of such accounts. After one year has elapsed after the effective date of
 7 abolition of the tax in such county, the director of revenue shall remit the balance in the account to
 8 the county and close the account of that county. The director of revenue shall notify each county of
 9 each instance of any amount refunded or any check redeemed from receipts due the county.

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

12 67.583. 1. The governing body of any county of the second class with a population of more
 13 than forty thousand but less than sixty thousand and which contains institutions operated by the
 14 department of corrections and by the department of mental health is hereby authorized to impose, by
 15 ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in
 16 such county which are subject to taxation under [~~the provisions of sections 144.010 to 144.525]~~
 17 chapter 144. The tax authorized by this section shall be in addition to any and all other sales taxes
 18 allowed by law; provided, however, that no ordinance or order imposing a sales tax under the
 19 provisions of this section shall be effective unless the governing body of the county submits to the
 20 voters of the county, at a county or state general, primary or special election, a proposal to authorize
 21 the governing body of the county to impose a tax.

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

23 Shall the county of _____ (county's name) impose a countywide sales tax
 24 of _____ (insert [~~amount~~] rate of percent) for the purpose of providing retirement and health
 25 care benefits for county employees and their dependents?

26 YES NO

27
 28 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the
 29 question, place an "X" in the box opposite "No".

30
 31 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 32 the proposal, then the ordinance or order and any amendments thereto shall be in effect as provided
 33 by subsection 19 of section 32.087. If a majority of the votes cast by the qualified voters voting are
 34 opposed to the proposal, then the governing body of the county shall have no power to impose the
 35 sales tax herein authorized unless and until the governing body of the county shall again have
 36 submitted another proposal to authorize the governing body of the county to impose the sales tax
 37 authorized by this section and such proposal is approved by a majority of the qualified voters voting
 38 thereon. However, in no event shall a proposal [~~pursuant to~~] under this section be submitted to the
 39 voters sooner than twelve months from the date of the last proposal [~~pursuant to~~] under this section.

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

43 4. All sales taxes collected by the director of revenue under this section on behalf of any
 44 county [~~, less one percent for cost of collection which shall be deposited in the state's general~~
 45 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall be
 46 deposited in a special trust fund, which is hereby created, to be known as the "County Employee
 47 Benefit Sales Tax Trust Fund". [~~The moneys in the county employee benefit sales tax trust fund~~
 48 ~~shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The
 49 director of revenue shall keep accurate records of the amount of money in the trust and which was~~

1 collected in each county imposing a sales tax under this section, and the records shall be open to the
 2 inspection of officers of the county and the public. Not later than the tenth day of each month, the
 3 director of revenue shall distribute all moneys deposited in the trust fund during the preceding
 4 month to the county which levied the tax. Such funds shall be deposited with the county treasurer of
 5 each such county, and all expenditures of funds arising from the county employee benefit sales tax
 6 trust fund shall be for the provision of retirement benefits or health care benefits for employees of
 7 the county and their dependents and for no other purpose.

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

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

21 67.584. 1. The governing body of any county of the first classification with more than one
 22 hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred
 23 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to
 24 one-half percent on all retail sales made in such county which are subject to taxation ~~pursuant to~~
 25 ~~sections 144.010 to 144.525~~ under chapter 144 for the purpose of providing law enforcement
 26 services for such county. The tax authorized by this section shall be in addition to any and all other
 27 sales taxes allowed by law, except that no ordinance or order imposing a sales tax ~~pursuant to~~
 28 under this section shall be effective unless the governing body of the county submits to the voters of
 29 the county, at a county or state general, primary, or special election, a proposal to authorize the
 30 governing body of the county to impose a tax.

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

33 Shall the county of _____ (county's name) impose a countywide sales tax
 34 of _____ (insert ~~amount~~ rate of percent) for the purpose of providing law enforcement
 35 services for the county?

36 YES NO

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

40
 41 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 42 the proposal submitted ~~pursuant to~~ under this subsection, then the ordinance or order and any
 43 amendments thereto shall be in effect ~~on the first day of the second quarter immediately following~~
 44 ~~the election approving the proposal~~ as provided by subsection 19 of section 32.087. If a proposal
 45 receives less than the required majority, then the governing body of the county shall have no power
 46 to impose the sales tax herein authorized unless and until the governing body of the county shall
 47 again have submitted another proposal to authorize the governing body of the county to impose the
 48 sales tax authorized by this section and such proposal is approved by the required majority of the
 49 qualified voters voting thereon. However, in no event shall a proposal ~~pursuant to~~ under this

1 section be submitted to the voters sooner than twelve months from the date of the last proposal
2 ~~[pursuant to]~~ under this section.

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

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

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

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

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

48 67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to
49 67.727 on behalf of any county~~], less one percent for the cost of collection, which shall be deposited~~

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

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

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

28 67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any
 29 other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales
 30 taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any
 31 county of the first class having a charter form of government and having a population of nine
 32 hundred thousand or more[, ~~less one percent for cost of collection, which shall be deposited in the
 33 state's general revenue fund after payment of premiums for surety bonds as provided in sections
 34 67.700 to 67.727,~~] shall be deposited in a special trust fund, which is hereby created, to be known as
 35 the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [~~The moneys in the
 36 county municipal storm water and public works sales tax trust fund shall not be deemed to be state
 37 funds and shall not be commingled with any funds of the state.~~] The director of revenue shall keep
 38 accurate records of the amount of money in the trust fund which was collected in each county and
 39 the records shall be open to the inspection of officers of the county and of the municipalities within
 40 the county and the public. Not later than the tenth day of each month, the director [~~of the
 41 department~~] of revenue shall distribute all moneys deposited in the county-municipal storm water
 42 and public works sales tax trust fund during the preceding month to the county which levied the tax,
 43 and the municipalities which are located wholly or partially within such county as follows:

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

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

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

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

18 3. If the governing body of any municipality located wholly or partially within the county so
 19 requests by resolution, no funds shall be expended from the proceeds of any tax imposed under
 20 section 67.701 within the corporate boundaries of the requesting municipality for the construction,
 21 reconstruction or widening of any road established or to be established ~~[pursuant to]~~ under section
 22 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing
 23 is first held at a place near such proposed action; and (b) plans and specifications of such proposed
 24 action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting
 25 principles of such proposed action is presented to such public hearing. Such cost-benefit analysis
 26 and its work papers shall be a public document and subject to inspection as provided in chapter 610.
 27 The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the
 28 county.

29 67.729. 1. Any county except any first class county having a charter form of government
 30 and having a population of nine hundred thousand or more may, in the same manner and by the
 31 same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a
 32 sales tax of not more than one-tenth of one percent on all retail sales made in the county which are
 33 subject to sales tax under chapter 144 for the purpose of funding storm water control and public
 34 works projects other than stadiums or other sports facilities. This sales tax shall be in addition to
 35 any other sales tax authorized by law.

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

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

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

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

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

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

26 67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085
27 ~~[and]~~ to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

28 67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to
29 67.739 on behalf of any county~~[, less one percent for the cost of collection, which shall be deposited~~
30 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~
31 ~~section 32.087,]~~ shall be deposited with the state treasurer in a special trust fund, which is hereby
32 created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". ~~[The~~
33 ~~moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state~~
34 ~~funds and shall not be commingled with any funds of the state.]~~ The director of revenue shall keep
35 accurate records of the amount of money in the trust fund which was collected in each county
36 imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection
37 of officers of each county and the general public. Not later than the tenth day of each month the
38 director of revenue shall distribute all moneys deposited in the trust fund during the preceding
39 month by distributing to the county treasurer, or such other officer as may be designated by the
40 county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739,
41 the sum, as certified by the director of revenue, due the county.

42 2. The director of revenue may ~~[authorize the state treasurer to]~~ make ~~[refund]~~ refunds from
43 the amounts in the trust fund and credited to any county for erroneous payments and overpayments
44 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any
45 county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director
46 of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal or expiration,
47 and the repeal shall be effective as provided by subsection 19 of section 32.087. The director of
48 revenue may order retention in the trust fund, for a period of one year, of two percent of the amount
49 collected after receipt of such notice to cover possible refunds or overpayment of such tax and to

1 redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has
 2 elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to
 3 67.739 in such county, the director of revenue shall remit the balance in the account to the county
 4 and close the account of that county. The director of revenue shall notify each county of each
 5 instance of any amount refunded or any check redeemed from receipts due the county.

6 67.745. 1. Any county of the third classification without a township form of government
 7 and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight
 8 hundred fifty inhabitants may impose a sales tax throughout the county on all retail sales made in
 9 the county which are subject to sales tax under chapter 144 for public recreational projects and
 10 programs, but the sales tax authorized by this section shall not become effective unless the
 11 governing body of such county submits to the qualified voters of the county a proposal to authorize
 12 the county to impose the sales tax.

13 2. The ballot submission shall be in substantially the following form:
 14

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

18 YES NO
 19

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

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

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

42 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
 43 amounts in the trust fund and credited to any county for erroneous payments and overpayments
 44 made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each
 45 county shall notify the director of revenue ~~[at least ninety days]~~ prior to the effective date of the
 46 expiration of the sales tax authorized by this section, and the repeal shall be effective as provided by
 47 subsection 19 of section 32.087. The director of revenue may order retention in the trust fund for a
 48 period of one year of two percent of the amount collected after receipt of such notice to cover
 49 possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited

1 to the credit of such accounts. After one year has elapsed after the date of expiration of the tax
 2 authorized by this section in a county, the director of revenue shall remit the balance in the account
 3 to the county and close the account of such county. The director of revenue shall notify each county
 4 of each instance of any amount refunded or any check redeemed from receipts due such county.

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

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

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

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

16 67.782. 1. Any county of the third class having a population of more than ten thousand and
 17 less than fifteen thousand and any county of the second class having a population of more than fifty-
 18 eight thousand and less than seventy thousand adjacent to such third class county, both counties
 19 making up the same judicial circuit, may jointly impose a sales tax throughout each of their
 20 respective counties on all retail sales made in the county which are subject to sales tax under chapter
 21 144 for public recreational purposes including the financing, acquisition, construction, operation and
 22 maintenance of recreational projects and programs, but the sales taxes authorized by this section
 23 shall not become effective unless the governing body of each such county submits to the voters of
 24 their respective counties a proposal to authorize the counties to impose the sales tax.

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

26 Shall the County of _____ impose a sales tax of _____ (insert rate
 27 of percent) percent in conjunction with the county of _____ for the purpose of
 28 funding the financing, acquisition, construction, operation and maintenance of recreational projects
 29 and programs, including the acquisition of land for such purposes?

30 YES NO

31
 32 If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each
 33 county are in favor of the proposal, then the tax shall be in effect as provided by section 32.087 in
 34 both counties. If a majority of the votes cast by the qualified voters voting thereon in either county
 35 are opposed to the proposal, then the governing body of neither county shall have power to impose
 36 the sales tax authorized by this section unless or until the governing body of the county that has not
 37 approved the tax shall again have submitted another proposal to authorize the governing body to
 38 impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in
 39 that county.

40 3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at
 41 retail of all tangible personal property or taxable service at retail within the county adopting such
 42 tax, if such property and services are subject to taxation by the state of Missouri under ~~[the~~
 43 ~~provisions of sections 144.010 to 144.525]~~ chapter 144.

44 4. All sales taxes collected by the director of revenue under this section on behalf of any
 45 county ~~], less one percent for the cost of collection, which shall be deposited in the state's general~~
 46 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall be
 47 deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the
 48 "County Recreation Sales Tax Trust Fund". ~~[The moneys in the county recreation sales tax trust~~
 49 ~~fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.]~~

1 The director of revenue shall keep accurate records of the amount of money in the trust fund which
 2 was collected in each county imposing a sales tax under this section, and the records shall be open to
 3 the inspection of officers of each county and the general public. Not later than the tenth day of each
 4 month, the director of revenue shall distribute all moneys deposited in the trust fund during the
 5 preceding month by distributing to the county treasurer, or such other officer as may be designated
 6 by the county ordinance or order, of each county imposing the tax authorized by this section, the
 7 sum, as certified by the director of revenue, due the county.

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

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

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

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

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

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

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

43 67.799. 1. A regional recreational district may, by a majority vote of its board of directors,
 44 impose an annual property tax for the establishment and maintenance of public parks and
 45 recreational facilities and grounds within the boundaries of the regional recreational district not to
 46 exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within
 47 the district, except that no such tax shall become effective unless the board of directors of the district
 48 submits to the voters of the district, at a county or state general, primary or special election, a
 49 proposal to authorize the tax.

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

2 Shall a _____ cent tax per one hundred dollars assessed valuation be levied for public
3 parks and recreational facilities?

4 YES NO

5
6 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
7 the proposal, then the tax shall become effective as provided by subsection 19 of section 32.087. If
8 a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board
9 of directors shall have no power to impose the tax unless and until the board of directors of the
10 district submits another proposal to authorize the tax and such proposal is approved by a majority of
11 the qualified voters voting thereon.

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

14 4. (1) A regional recreational district may, by a majority vote of its board of directors,
15 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation ~~[pursuant to~~
16 ~~sections 144.010 to 144.525]~~ under chapter 144 for the purpose of funding the creation, operation
17 and maintenance of public parks, recreational facilities and grounds within the boundaries of a
18 regional recreational district. The tax authorized by this subsection shall be in addition to all other
19 sales taxes allowed by law. No tax ~~[pursuant to]~~ under this subsection shall become effective unless
20 the board of directors submits to the voters of the district, at a county or state general, primary or
21 special election, a proposal to authorize the tax, and such tax shall become effective only after the
22 majority of the voters voting on such tax approve such tax.

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

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

27 YES NO

28
29 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
30 the proposal, then the tax shall become effective as provided by subsection 19 of section 32.087. If
31 a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board
32 of directors shall have no power to impose the tax unless and until another proposal to authorize the
33 tax is submitted to the voters of the district and such proposal is approved by a majority of the
34 qualified voters voting thereon. The provisions of sections 32.085 ~~[and]~~ to 32.087 shall apply to any
35 tax approved ~~[pursuant to]~~ under this subsection.

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

44 67.997. 1. The governing body of any county of the third classification without a township
45 form of government and with more than eighteen thousand one hundred but fewer than eighteen
46 thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales
47 made within the county which are subject to sales tax under chapter 144. The tax authorized in this
48 section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of
49 funding senior services and youth programs provided by the county. One-half of all revenue

1 collected under this section~~[-less one-half the cost of collection,]~~ shall be used solely to fund any
 2 service or activity deemed necessary by the senior service tax commission established in this
 3 section, and one-half of all revenue collected under this section~~[-less one-half the cost of~~
 4 ~~collection,]~~ shall be used solely to fund all youth programs administered by an existing county
 5 community task force. The tax authorized in this section shall be in addition to all other sales taxes
 6 imposed by law, and shall be stated separately from all other charges and taxes. The order or
 7 ordinance shall not become effective unless the governing body of the county submits to the voters
 8 residing within the county at a state general, primary, or special election a proposal to authorize the
 9 governing body of the county to impose a tax under this section.

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

12 Shall _____ (insert the name of the county) impose a sales tax at a rate of
 13 _____ (insert rate of percent) percent, with half of the revenue from the tax, less one-half the
 14 cost of collection, to be used solely to fund senior services provided by the county and half of the
 15 revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs
 16 provided by the county?

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 question by the qualified voters voting thereon are in favor of
 23 the question, then the tax shall become effective ~~[on the first day of the second calendar quarter~~
 24 ~~immediately following the approval of the tax or notification to the department of revenue if such~~
 25 ~~tax will be administered by the department of revenue]~~ as provided by subsection 19 of section
 26 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon are
 27 opposed to the question, then the tax shall not become effective unless and until the question is
 28 resubmitted under this section to the qualified voters and such question is approved by a majority of
 29 the qualified voters voting on the question.

30 3. ~~[On or after the effective date of any tax authorized under this section, the county which~~
 31 ~~imposed the tax shall enter into an agreement with the director of the department of revenue for the~~
 32 ~~purpose of collecting the tax authorized in this section. On or after the effective date of the tax the~~
 33 ~~director of revenue shall be responsible for the administration, collection, enforcement, and~~
 34 ~~operation of the tax, and Sections 32.085 and 32.087 shall apply.]~~ All revenue collected under this
 35 section by the director of ~~[the department of]~~ revenue on behalf of any county~~[-except for one~~
 36 ~~percent for the cost of collection which shall be deposited in the state's general revenue fund,]~~ shall
 37 be deposited in a special trust fund, which is hereby created and shall be known as the "Senior
 38 Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated
 39 purposes. ~~[Moneys in the fund shall not be deemed to be state funds, and shall not be commingled~~
 40 ~~with any funds of the state.]~~ The director may make refunds from the amounts in the trust fund and
 41 credited to the county for erroneous payments and overpayments made, and may redeem dishonored
 42 checks and drafts deposited to the credit of such county. Any funds in the special trust fund which
 43 are not needed for current expenditures shall be invested in the same manner as other funds are
 44 invested. Any interest and moneys earned on such investments shall be credited to the fund.

45 4. ~~[In order to permit sellers required to collect and report the sales tax to collect the amount~~
 46 ~~required to be reported and remitted, but not to change the requirements of reporting or remitting the~~
 47 ~~tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of~~
 48 ~~the county may authorize the use of a bracket system similar to that authorized in section 144.285~~
 49 ~~and notwithstanding the provisions of that section, this new bracket system shall be used where this~~

1 ~~tax is imposed and shall apply to all taxable transactions.]~~ Beginning with the effective date of the
 2 tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of
 3 the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the
 4 purchase price. ~~[For purposes of this section, all retail sales shall be deemed to be consummated at~~
 5 ~~the place of business of the retailer.]~~

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

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

24 Shall _____ (insert the name of the county) repeal the sales tax imposed at
 25 a rate of _____ (insert rate of percent) percent for the purpose of funding senior services and
 26 youth programs provided by the county?

27 YES NO

28
 29 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 30 the question, place an "X" in the box opposite "NO".

31
 32 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 33 repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in which~~
 34 ~~such repeal was approved]~~ as provided by subsection 19 of section 32.087. If a majority of the votes
 35 cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales
 36 tax authorized in this section shall remain effective until the question is resubmitted under this
 37 section to the qualified voters and the repeal is approved by a majority of the qualified voters voting
 38 on the question.

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

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

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

16 67.1300. 1. Any governing body of a municipality located in a county enumerated in
 17 subdivisions (1) to (26) of this subsection or the governing body of any of the contiguous counties
 18 of the third classification without a township form of government enumerated in subdivisions ~~[(1)]~~
 19 ~~(27)~~ to ~~[(5)]~~ (31) of this subsection ~~[or]~~ may impose, by ordinance or order, a sales tax on all retail
 20 sales made in such county or municipality that are subject to taxation under chapter 144:

21 (1) ~~[In any]~~ A county of the fourth classification acting as a county of the second
 22 classification, having a population of at least forty thousand but less than forty-five thousand with a
 23 state university, and adjoining a county of the first classification with part of a city with a population
 24 of three hundred fifty thousand or more inhabitants ~~[or]~~ ;

25 (2) A county of the third classification with a township form of government and with a
 26 population of at least eight thousand but less than eight thousand four hundred inhabitants ~~[or]~~ ;

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

29 (4) A county of the third classification without a township form of government and with a
 30 population of at least seven thousand four hundred but less than eight thousand inhabitants ~~[or]~~ ;

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

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

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

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

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

41 (10) Any county of the third classification with a population greater than nine thousand but
 42 less than nine thousand two hundred ~~[or]~~ ;

43 (11) Any county of the third classification with a population greater than ten thousand five
 44 hundred but less than ten thousand six hundred ~~[or]~~ ;

45 (12) Any county of the third classification with a population greater than twenty-three
 46 thousand five hundred but less than twenty-three thousand seven hundred ~~[or]~~ ;

47 (13) A county of the third classification with a population greater than thirty-three thousand
 48 but less than thirty-four thousand ~~[or]~~ ;

49 (14) A county of the third classification with a population greater than twenty thousand

1 eight hundred but less than twenty-one thousand [Ø] ;

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

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

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

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

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

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

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

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

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

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

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

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

34 ~~——(1)] ;~~

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

37 ~~[(2)]~~ (28) A county with a population of at least four thousand seven hundred inhabitants but
38 not more than four thousand nine hundred inhabitants;

39 ~~[(3)]~~ (29) A county with a population of at least seven thousand three hundred inhabitants
40 but not more than seven thousand six hundred inhabitants;

41 ~~[(4)]~~ (30) A county with a population of at least ten thousand one hundred inhabitants but
42 not more than ten thousand three hundred inhabitants; ~~and~~

43 ~~——(5)] or~~

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

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

48 3. The tax authorized by this section shall be in addition to any and all other sales taxes
49 allowed by law, except that no ordinance or order imposing a sales tax ~~[pursuant to the provisions~~

1 ~~of~~ under this section shall be effective unless the governing body of the county or municipality
 2 submits to the voters of the county or municipality, at a regularly scheduled county, municipal or
 3 state general or primary election, a proposal to authorize the governing body of the county or
 4 municipality to impose a tax. Any sales tax imposed ~~[pursuant to]~~ under this section shall not be
 5 authorized for a period of more than five years.

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

7 Shall the (city, town, village or county) of _____ impose a sales tax of
 8 _____ (insert ~~[amount]~~ rate of percent) for the purpose of economic development in the
 9 _____ (city, town, village or county)?

10 YES NO

11
 12 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 13 the proposal, then the ordinance or order and any amendments thereto shall be in effect ~~[on the first
 14 day of the second quarter after the director of revenue receives notice of adoption of the tax]~~ as
 15 provided by subsection 19 of section 32.087. If a majority of the votes cast by the qualified voters
 16 voting are opposed to the proposal, then the governing body of the county or municipality shall not
 17 impose the sales tax authorized in this section until the governing body of the county or
 18 municipality resubmits another proposal to authorize the governing body of the county or
 19 municipality to impose the sales tax authorized by this section and such proposal is approved by a
 20 majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the
 21 voters sooner than twelve months from the date of the submission of the last such proposal.

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

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

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

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

41 9. Not later than the tenth day of each month the director of revenue shall distribute all
 42 moneys deposited in the trust fund during the preceding month to the county or municipality which
 43 levied the tax. Such funds shall be deposited with the county treasurer of each such county or the
 44 appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising
 45 from the local economic development sales tax trust fund shall be by an appropriation act to be
 46 enacted by the governing body of each such county or municipality. Expenditures may be made
 47 from the fund for any economic development purposes authorized in the ordinance or order adopted
 48 by the governing body submitting the tax to the voters.

49 10. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the

1 amounts in the trust fund and credited to any county or municipality for erroneous payments and
 2 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such
 3 counties and municipalities.

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

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

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

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

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

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

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

25 67.1303. 1. The governing body of any home rule city with more than one hundred fifty-
 26 one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any
 27 home rule city with more than forty-five thousand five hundred but less than forty-five thousand
 28 nine hundred inhabitants and the governing body of any city within any county of the first
 29 classification with more than one hundred four thousand six hundred but less than one hundred four
 30 thousand seven hundred inhabitants and the governing body of any county of the third classification
 31 without a township form of government and with more than forty thousand eight hundred but less
 32 than forty thousand nine hundred inhabitants or any city within such county may impose, by order
 33 or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax
 34 under chapter 144. In addition, the governing body of any county of the first classification with
 35 more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the
 36 governing body of any home rule city with more than seventy-three thousand but less than seventy-
 37 five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in
 38 the city or county which are subject to sales tax under chapter 144. The tax authorized in this
 39 section shall not be more than one-half of one percent. The order or ordinance imposing the tax
 40 shall not become effective unless the governing body of the city or county submits to the voters of
 41 the city or county at a state general or primary election a proposal to authorize the governing body
 42 to impose a tax under this section. The tax authorized in this section shall be in addition to all other
 43 sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

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

48 YES

49 NO

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

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

- 13 (1) Acquisition of land;
- 14 (2) Installation of infrastructure for industrial or business parks;
- 15 (3) Improvement of water and wastewater treatment capacity;
- 16 (4) Extension of streets;
- 17 (5) Providing matching dollars for state or federal grants;
- 18 (6) Marketing;
- 19 (7) Construction and operation of job training and educational facilities; and
- 20 (8) Providing grants and low-interest loans to companies for job training, equipment
 21 acquisition, site development, and infrastructure.

22
 23 Not more than twenty-five percent of the revenue generated may be used annually for administrative
 24 purposes, including staff and facility costs.

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

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

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

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

49 (2) One member shall be appointed, in any manner agreed upon by the affected districts, to

1 represent all other districts levying ad valorem taxes within the area selected for an economic
 2 development project or area funded by the sales tax authorized in this section, excluding
 3 representatives of the governing body of the city or county;

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

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

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

26 ~~[6.]~~ 7. The board, subject to approval of the governing body of the city or county, shall
 27 develop economic development plans, economic development projects, or designations of an
 28 economic development area, and shall hold public hearings and provide notice of any such hearings.
 29 The board shall vote on all proposed economic development plans, economic development projects,
 30 or designations of an economic development area, and amendments thereto, within thirty days
 31 following completion of the hearing on any such plan, project, or designation, and shall make
 32 recommendations to the governing body within ninety days of the hearing concerning the adoption
 33 of or amendment to economic development plans, economic development projects, or designations
 34 of an economic development area.

35 ~~[7.]~~ 8. The board shall report at least annually to the governing body of the city or county
 36 on the use of the funds provided under this section and on the progress of any plan, project, or
 37 designation adopted under this section.

38 ~~[8.]~~ 9. The governing body of any city or county that has adopted the sales tax authorized in
 39 this section may submit the question of repeal of the tax to the voters on any date available for
 40 elections for the city or county. The ballot of submission shall be in substantially the following
 41 form:

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

45 YES NO

46
 47 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 48 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as
 49 provided by subsection 19 of section 32.087. If a majority of the votes cast on the question by the

1 qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section
 2 shall remain effective until the question is resubmitted under this section to the qualified voters of
 3 the city or county, and the repeal is approved by a majority of the qualified voters voting on the
 4 question.

5 ~~[9.]~~ 10. Whenever the governing body of any city or county that has adopted the sales tax
 6 authorized in this section receives a petition, signed by ten percent of the registered voters of the
 7 city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax
 8 imposed under this section, the governing body shall submit to the voters a proposal to repeal the
 9 tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 10 of the repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in~~
 11 ~~which such repeal was approved]~~ as provided by subsection 19 of section 32.087. If a majority of
 12 the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then
 13 the tax shall remain effective until the question is resubmitted under this section to the qualified
 14 voters and the repeal is approved by a majority of the qualified voters voting on the question. If the
 15 city or county abolishes the tax, the city or county shall notify the director of revenue of the action
 16 and the repeal shall be effective as provided by subsection 19 of section 32.087.

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

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

25 67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town,
 26 or village.

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

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

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

42 YES NO

43
 44 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 45 the question, then the tax shall become effective ~~[on the first day of the second calendar quarter~~
 46 ~~following the calendar quarter in which the election was held]~~ as provided by subsection 19 of
 47 section 32.087. If a majority of the votes cast on the question by the qualified voters voting thereon
 48 are opposed to the question, then the tax shall not become effective unless and until the question is
 49 resubmitted under this section to the qualified voters and such question is approved by a majority of

1 the qualified voters voting on the question, provided that no proposal shall be resubmitted to the
2 voters sooner than twelve months from the date of the submission of the last proposal.

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

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

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

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

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

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

34 10. (1) No revenue generated by the tax authorized in this section shall be used for any
35 retail development project, except for the redevelopment of downtown areas and historic districts.
36 Not more than twenty-five percent of the revenue generated shall be used annually for
37 administrative purposes, including staff and facility costs.

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

- 41 (a) Acquisition of land;
- 42 (b) Installation of infrastructure for industrial or business parks;
- 43 (c) Improvement of water and wastewater treatment capacity;
- 44 (d) Extension of streets;
- 45 (e) Public facilities directly related to economic development and job creation; and
- 46 (f) Providing matching dollars for state or federal grants relating to such long-term projects.

47 (3) The remaining revenue generated by the tax authorized in this section may be used for,
48 but shall not be limited to, the following:

- 49 (a) Marketing;

1 (b) Providing grants and loans to companies for job training, equipment acquisition, site
2 development, and infrastructures;

3 (c) Training programs to prepare workers for advanced technologies and high skill jobs;

4 (d) Legal and accounting expenses directly associated with the economic development
5 planning and preparation process;

6 (e) Developing value-added and export opportunities for Missouri agricultural products.

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

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

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

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

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

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

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

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

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

34 (c) Two members from the cities, towns, or villages within the county appointed in any
35 manner agreed upon by the chief elected officers of the cities or villages. Of the members initially
36 appointed, three shall be designated to serve for terms of two years, except that when a nine-
37 member board is designated, seven of the members initially appointed shall be designated to serve
38 for terms of two years, and the remaining members shall be designated to serve for a term of four
39 years from the date of such initial appointments. Thereafter, the members appointed shall serve for
40 a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner
41 as were the original appointments.

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

49 13. The board, subject to approval of the governing body of the city or county, shall

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

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

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

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

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

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

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

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

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

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

37 (a) Infrastructure improvements;

38 (b) Land and/or buildings;

39 (c) Machinery and equipment;

40 (d) Job training investments;

41 (e) Direct business incentives;

42 (f) Marketing;

43 (g) Administration and legal expenses; and

44 (h) Other expenditures.

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

49 Shall _____ (insert the name of the city or county) repeal the sales tax

1 imposed at a rate of _____ (insert rate of percent) percent for economic development
2 purposes?

3 YES NO

4
5 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become
6 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as
7 provided by subsection 19 of section 32.087. If a majority of the votes cast on the question by the
8 qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section
9 shall remain effective until the question is resubmitted under this section to the qualified voters of
10 the city or county, and the repeal is approved by a majority of the qualified voters voting on the
11 question.

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

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

26 67.1545. 1. Any district formed as a political subdivision may impose by resolution a
27 district sales and use tax on all retail sales made in such district which are subject to taxation
28 ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144, except sales of motor vehicles, trailers,
29 boats or outboard motors ~~[and sales to or by public utilities and providers of communications, cable,~~
30 ~~or video services]~~ , electricity, piped natural or artificial gas, or other fuels delivered by the seller.
31 Any sales and use tax imposed ~~[pursuant to]~~ under this section may be imposed in increments of
32 one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be
33 imposed for any district purpose designated by the district in its ballot of submission to its qualified
34 voters; except that, no resolution adopted ~~[pursuant to]~~ under this section shall become effective
35 unless the board of directors of the district submits to the qualified voters of the district, by mail-in
36 ballot, a proposal to authorize a sales and use tax ~~[pursuant to]~~ under this section. If a majority of
37 the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the
38 resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales
39 tax, then the resolution is void.

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

41 Shall the _____ (insert name of district) Community Improvement
42 District impose a community improvement districtwide sales and use tax at the maximum rate of
43 _____ (insert ~~[amount]~~ rate of percent) for a period of _____ (insert number) years from
44 the date on which such tax is first imposed for the purpose of providing revenue for
45 _____ (insert general description of the purpose)?

46 YES NO

47
48 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
49 the question, place an "X" in the box opposite "NO".

1 3. Within ten days after the qualified voters have approved the imposition of the sales and
2 use tax, the district shall, in accordance with section 32.087, notify the director of ~~[the department~~
3 ~~of]~~ revenue. The sales and use tax authorized by this section shall become effective ~~[on the first day~~
4 ~~of the second calendar quarter after the director of the department of revenue receives notice of the~~
5 ~~adoption of such tax]~~ as provided by subsection 19 of section 32.087.

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

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

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

22 ~~———7.]~~ The penalties provided ~~[in sections 144.010 to 144.525]~~ under chapter 144 shall apply to
23 violations of this section.

24 ~~[8.]~~ 7. All revenue received by the district from a sales and use tax imposed ~~[pursuant to]~~
25 under this section which is designated for a specific purpose shall be deposited into a special trust
26 fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
27 ~~[pursuant to]~~ under this section, all funds remaining in the special trust fund shall continue to be
28 used solely for the specific purpose designated in the resolution adopted by the qualified voters.
29 Any funds in such special trust fund which are not needed for current expenditures may be invested
30 by the board of directors ~~[pursuant to]~~ under applicable laws relating to the investment of other
31 district funds.

32 ~~[9.]~~ 8. A district may repeal by resolution any sales and use tax imposed ~~[pursuant to]~~ under
33 this section before the expiration date of such sales and use tax unless the repeal of such sales and
34 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the
35 district has borrowed or obligation the district has issued to finance any improvements or services
36 rendered for the district.

37 ~~[10.]~~ 9. Notwithstanding the provisions of chapter 115, an election for a district sales and
38 use tax under this section shall be conducted in accordance with the provisions of this section.

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

41 67.1712. 1. The governing body of any county located within the proposed metropolitan
42 district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail
43 sales subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144 for the purpose
44 of funding the creation, operation and maintenance of a metropolitan park and recreation district.

45 2. In addition to the tax authorized in subsection 1 of this section, the governing body of any
46 county located within the metropolitan district as of January 1, 2012, is authorized to impose by
47 ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to
48 taxation under ~~[sections 144.010 to 144.525]~~ chapter 144 for the purpose of funding the operation
49 and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall

1 not be implemented unless approved by the voters of the county with the largest population within
2 the district and at least one other such county under subsection 2 of section 67.1715.

3 3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales
4 taxes allowed by law. The governing body of any county within the metropolitan district enacting
5 such an ordinance shall submit to the voters of such county a proposal to approve its ordinance
6 imposing or increasing the tax. Such ordinance shall become effective only after the majority of the
7 voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 ~~[and] to~~
8 32.087 shall apply to any tax and increase in tax approved ~~[pursuant to]~~ under this section and
9 sections 67.1715 to 67.1721.

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

17 67.1775. 1. The governing body of a city not within a county, or any county of this state
18 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in
19 the county or city, or city not within a county, on all retail sales made in the city or county which are
20 subject to sales tax under chapter 144 for the purpose of providing services described in section
21 210.861, including counseling, family support, and temporary residential services to persons
22 nineteen years of age or less. The question shall be submitted to the qualified voters of the county
23 or city, or city not within a county, at a county or city or state general, primary or special election
24 upon the motion of the governing body of the county or city, or city not within a county or upon the
25 petition of eight percent of the qualified voters of the county or city, or city not within a county,
26 determined on the basis of the number of votes cast for governor in such county at the last
27 gubernatorial election held prior to the filing of the petition. The election officials of the county or
28 city, or city not within a county, shall give legal notice as provided in chapter 115. The question
29 shall be submitted in substantially the following form:

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

35 YES NO

36
37 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
38 the question, then the ordinance or order and any amendments thereto shall be in effect ~~[on the first~~
39 ~~day of the second calendar quarter after the director receives notification of the local sales tax]~~ as
40 provided by subsection 19 of section 32.087. If a question receives less than the required majority,
41 then the governing authority of the city or county, or city not within a county, shall have no power to
42 impose the sales tax unless and until the governing authority of the city or county, or city not within
43 a county, has submitted another question to authorize the imposition of the sales tax authorized by
44 this section and such question is approved by the required majority of the qualified voters voting
45 thereon. However, in no event shall a question under this section be submitted to the voters sooner
46 than twelve months from the date of the last question under this section.

47 2. After the effective date of any tax imposed under the provisions of this section, the
48 director of revenue shall perform all functions incident to the administration, collection,
49 enforcement, and operation of the tax and the director of revenue shall collect in addition to the

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

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

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

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

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

43 67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax
 44 of not more than one percent on all retail sales, except sales of [~~food as defined in section 144.014,~~
 45 ~~sales of~~] new or used motor vehicles, trailers, boats, or [~~other~~] outboard motors, [~~all utilities,~~
 46 ~~telephone and wireless services, and sales of funeral services,~~] made on or after January 1, 2019,
 47 within the district which are subject to taxation [pursuant to the provisions of sections 144.010 to
 48 144.525] under chapter 144. Upon the written request of the board to the election authority of the
 49 county in which a majority of the area of the district is situated, such election authority shall submit

1 a proposition to the residents of such district at a municipal or statewide primary or general election,
2 or at a special election called for that purpose. Such election authority shall give legal notice as
3 provided in chapter 115.

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

6 Shall the Tourism Community Enhancement District impose a sales tax of _____
7 (insert [amount] rate of percent) for the purpose of promoting tourism in the district?

8 YES NO

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

12
13 If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting
14 thereon are in favor of the proposal, then the order shall become effective ~~[on the first day of the~~
15 ~~second calendar quarter after the director of revenue receives notice of adoption of the tax]~~ as
16 provided in subsection 19 of section 32.087. If the proposal receives less than the required majority,
17 then the board shall have no power to impose the sales tax authorized ~~[pursuant to]~~ under this
18 section unless and until the board shall again have submitted another proposal to authorize the board
19 to impose the sales tax authorized by this section and such proposal is approved by the required
20 majority of the qualified voters of the district.

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

23 67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility
24 District Act".

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

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

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

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

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

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

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

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

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

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

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

49 (11) Any county of the third classification with a township form of government and with

1 more than eight thousand nine hundred but fewer than nine thousand inhabitants;

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

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

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

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

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

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

18 (3) The name of the proposed district.

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

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

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

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

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

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

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

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

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

37 6. Following the hearing, if the governing body of each county located within the proposed
38 district decides to establish the proposed district, it shall adopt an order to that effect; if the
39 governing body of any county located within the proposed district decides to not establish the
40 proposed district, the boundaries of the proposed district shall not include that county. The order
41 shall contain the following:

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

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

45 (3) The name of the district;

46 (4) The uses for any revenue generated by a sales tax imposed [~~pursuant to~~] under this
47 section; and

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

49 7. A district established [~~pursuant to~~] under this section may, at a general, primary, or

1 special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth
 2 of one percent, for a period not to exceed twenty-five years, on all retail sales within the district,
 3 which are subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144, to fund
 4 the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition
 5 center and recreational facilities. The ballot of submission shall be in substantially the following
 6 form:

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

11 YES NO

12
 13 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 14 the question, place an "X" in the box opposite "NO".

15
 16 If a majority of the votes cast in the portion of any county that is part of the proposed district favor
 17 the proposal, then the sales tax shall become effective in that portion of the county ~~[that is part of the~~
 18 ~~proposed district on the first day of the first calendar quarter immediately following the election]~~ as
 19 provided by subsection 19 of section 32.087. If a majority of the votes cast in the portion of a
 20 county that is a part of the proposed district oppose the proposal, then that portion of such county
 21 shall not impose the sales tax authorized in this section until after the county governing body has
 22 submitted another such sales tax proposal and the proposal is approved by a majority of the qualified
 23 voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the
 24 county shall not resubmit a proposal to the voters ~~[pursuant to]~~ under this section sooner than twelve
 25 months from the date of the last proposal submitted ~~[pursuant to]~~ under this section. If the qualified
 26 voters in two or more counties that have contiguous districts approve the sales tax proposal, the
 27 districts shall combine to become one district.

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

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

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

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

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

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

4 (3) To enter into contracts, franchises, and agreements with any person or entity, public or
5 private, affecting the affairs of the district, including contracts with any municipality, district, or
6 state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for
7 the funding, including without limitation interest rate exchange or swap agreements, planning,
8 development, construction, acquisition, maintenance, or operation of a single exhibition center and
9 recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly
10 designated for public use where the primary use of the facility involves participation in hobbies or
11 athletic activities;

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

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

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

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

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

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

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

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

48 10. There is hereby created the "Exhibition Center and Recreational Facility District Sales
49 Tax Trust Fund", which shall consist of all sales tax revenue collected ~~pursuant to~~ under this

1 section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund
 2 shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be
 3 considered nonstate funds ~~[pursuant to]~~ under section 15, article IV, Constitution of Missouri. The
 4 director of revenue shall invest moneys in the trust fund in the same manner as other funds are
 5 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.
 6 All sales taxes collected by the director of revenue ~~[pursuant to]~~ under this section on behalf of the
 7 district~~[, less one percent for the cost of collection which shall be deposited in the state's general~~
 8 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall be
 9 deposited in the trust fund. The director of revenue shall keep accurate records of the amount of
 10 moneys in the trust fund which was collected in the district imposing a sales tax ~~[pursuant to]~~ under
 11 this section, and the records shall be open to the inspection of the officers of each district and the
 12 general public. Not later than the tenth day of each month, the director of revenue shall distribute
 13 all moneys deposited in the trust fund during the preceding month to the district. The director of
 14 revenue may authorize refunds from the amounts in the trust fund and credited to the district for
 15 erroneous payments and overpayments made, and may redeem dishonored checks and drafts
 16 deposited to the credit of the district.

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

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

27 ~~[12.]~~ 13. Any sales tax imposed ~~[pursuant to]~~ under this section shall not extend past the
 28 initial term approved by the voters unless an extension of the sales tax is submitted to and approved
 29 by the qualified voters in each county in the manner provided in this section. Each extension of the
 30 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension
 31 shall be in substantially the following form:

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

36 YES NO

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

40
 41 If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate
 42 and for the time period approved by the voters. If a sales tax extension is not approved, the district
 43 may submit another sales tax proposal as authorized in this section, but the district shall not submit
 44 such a proposal to the voters sooner than twelve months from the date of the last extension
 45 submitted.

46 ~~[13.]~~ 14. Once the sales tax authorized by this section is abolished or terminated by any
 47 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
 48 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
 49 the district has any financing or other obligations outstanding; provided that any new financing,

1 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
 2 incurred more than ten years after voter approval of the sales tax provided in this section or more
 3 than ten years after any voter-approved extension thereof shall not cause the extension of the sales
 4 tax provided in this section or cause the final maturity of any financing or other obligations
 5 outstanding to be extended. Any funds in the trust fund which are not needed for current
 6 expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of
 7 subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district
 8 abolishes the sales tax, the district shall notify the director of revenue of the action ~~[at least ninety~~
 9 ~~days 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 sales tax and to redeem dishonored checks and drafts
 13 deposited to the credit of such accounts. After one year has elapsed after the effective date of
 14 abolition of the sales tax in the district, the director of revenue shall remit the balance in the account
 15 to the district and close the account of the district. The director of revenue shall notify the district of
 16 each instance of any amount refunded or any check redeemed from receipts due the district.

17 ~~[14.]~~ 15. In the event that the district is dissolved or terminated by any means, the
 18 governing bodies of the counties in the district shall appoint a person to act as trustee for the district
 19 so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and
 20 subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient
 21 security, approved by the governing bodies of the counties, to the use of the dissolved or terminated
 22 district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary
 23 to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay
 24 over to the county treasurer of each county in the district and take receipt for all remaining moneys
 25 in amounts based on the ratio the levy of each county bears to the total levy for the district in the
 26 previous three years or since the establishment of the district, whichever time period is shorter.
 27 Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of
 28 any county in the district all books, papers, records, and deeds belonging to the dissolved district.

29 67.2030. 1. The governing authority of any city of the fourth classification with more than
 30 one thousand six hundred but less than one thousand seven hundred inhabitants and located in any
 31 county of the first classification with more than seventy-three thousand seven hundred but less than
 32 seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or
 33 order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such
 34 city which are subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ under chapter 144 for
 35 the promotion of tourism in such city. The tax authorized by this section shall be in addition to any
 36 and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax
 37 ~~[pursuant to]~~ under this section shall be effective unless the governing authority of the city submits
 38 to the qualified voters of the city, at any municipal or state general, primary, or special election, a
 39 proposal to authorize the governing authority of the city to impose a tax.

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

41 Shall the city of _____ (city's name) impose a citywide sales tax of
 42 _____ (insert ~~[amount]~~ rate of percent) for the purpose of promoting tourism in the city?
 43 YES NO

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

47
 48 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 49 the proposal, then the ordinance or order and any amendments thereto shall be in effect ~~[on the first~~

1 day of the first calendar quarter immediately following notification to the director of the department
 2 of revenue of the election approving the proposal] as provided by subsection 19 of section 32.087. If
 3 a proposal receives less than the required majority, then the governing authority of the city shall
 4 have no power to impose the sales tax unless and until the governing authority of the city has
 5 submitted another proposal to authorize the imposition of the sales tax authorized by this section and
 6 such proposal is approved by the required majority of the qualified voters voting thereon. However,
 7 in no event shall a proposal [~~pursuant to~~] under this section be submitted to the voters sooner than
 8 twelve months from the date of the last proposal [~~pursuant to~~] under this section.

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

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

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

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

31 [~~5.] 4. (1) The governing authority of any city that has adopted any sales tax [~~pursuant to~~]
 32 under this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at
 33 least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to
 34 the qualified voters at any primary or general election. The ballot of submission shall be in
 35 substantially the following form:~~

36 Shall _____ (insert name of city) repeal the sales tax of _____
 37 (insert rate of percent) percent for tourism purposes now in effect in _____ (insert
 38 name of city)?

39 YES NO

40
 41 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 42 the question, place an "X" in the box opposite "NO".

43
 44 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 45 effective [~~on December thirty-first of the calendar year in which such repeal was approved~~] as
 46 provided by subsection 19 of section 32.087. If the city or county abolishes the tax, the city or
 47 county shall notify the director of revenue of the action prior to the effective date of the repeal, as
 48 provided by subsection 19 of section 32.087.

49 (2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund

1 or account established to receive revenues generated by the tax shall be used solely for the original
 2 stated purpose of the tax. Any funds which are not needed for current expenditures may be invested
 3 by the governing authority in accordance with applicable laws relating to the investment of other
 4 city funds.

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

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

26 ~~[6.]~~ 5. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
 27 shall apply to the tax imposed ~~[pursuant to]~~ under this section.

28 67.2525. 1. Each member of the board of directors shall have the following qualifications:

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

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

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

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

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

1 meeting of the owners of real property within the subdistrict at a day and hour specified in a public
2 place in the city, town, or village in which the petition was filed for the purpose of electing members
3 of the board of directors.

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

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

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

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

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

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

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

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

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

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

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

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

49 14. Each director shall devote such time to the duties of the office as the faithful discharge

1 thereof may require and be reimbursed for his or her actual expenditures in the performance of his
 2 or her duties on behalf of the district. Directors may be compensated, but such compensation shall
 3 not exceed one hundred dollars per month.

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

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

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

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

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

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

18 (6) To collect taxes and other revenues;

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as

1 current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero
 2 coupon bonds, be issued in such manner, be payable in such place or places and subject to
 3 redemption as such resolution may provide; and

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

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

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

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

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

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

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

47 ~~[7.]~~ 5. The sales tax may be imposed at a rate of up to one-half of one percent on the
 48 receipts from the sale at retail of all ~~[tangible personal property or taxable services]~~ sales at retail
 49 within the district adopting such tax, if such property and services are subject to taxation by ~~the~~

1 ~~state of Missouri] this state under chapter 144 [pursuant to the provisions of sections 144.010 to~~
 2 ~~144.525]. Any district sales tax imposed [pursuant to] under this section shall be imposed at a rate~~
 3 ~~that shall be uniform throughout the subdistricts approving the sales tax.~~

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

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

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

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

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

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

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

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

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

48 ~~———(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation~~
 49 ~~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.

~~[44-]~~ 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

1 which originally conducted the incorporation of the district, shall conduct the subsequent election.
 2 In subsequent elections the election judges shall certify the election results to the district board of
 3 directors.

4 (3) If a majority of the votes cast on the proposal by the qualified voters of the district
 5 voting thereon are in favor of repeal, that repeal shall become effective ~~[December thirty-first of the~~
 6 ~~calendar year in which such repeal was approved or after the repayment of the district's~~
 7 ~~indebtedness, whichever occurs later]~~ as provided by subsection 19 of section 32.087. If the district
 8 abolishes the tax, the district shall notify the director of revenue of the action prior to the effective
 9 date of the repeal, and the repeal shall be effective as provided by subsection 19 of section 32.087.

10 ~~[42.]~~ 10. (1) At such time as the board of directors of the district determines that further
 11 operation of the district is not in the best interests of the inhabitants of the district, and that the
 12 district should dissolve, the board shall submit for a vote in an election held throughout the district
 13 the question of whether the district should be abolished. The question shall be submitted in
 14 substantially the following form:

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

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 (2) The district board shall not propose the question to abolish the district while there are
 22 outstanding claims or causes of action pending against the district, while the district liabilities
 23 exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent,
 24 in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to
 25 abolish the district to a vote of the entire district, the state auditor shall audit the district to determine
 26 the financial status of the district, and whether the district may be abolished ~~[pursuant to]~~ under law.
 27 The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town,
 28 or village in which the district is located. The procedure shall be the same as in section 67.2520,
 29 except that the question shall be determined by the qualified voters of the entire district. No
 30 individual subdistrict may be abolished, except at such time as the district is abolished.

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

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

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

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

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

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

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

1 approval of the abolition.

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

4 94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of
5 any home rule city with more than one hundred fifty-one thousand five hundred but less than one
6 hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or
7 ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under
8 chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth,
9 three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be
10 imposed for longer than three years, and shall be imposed solely for the purpose of funding the
11 construction, operation, and maintenance of capital improvements in the city's center city. The
12 governing body may issue bonds for the funding of such capital improvements, which will be retired
13 by the revenues received from the sales tax authorized by this section. The order or ordinance shall
14 not become effective unless the governing body of the city submits to the voters residing within the
15 city at a state or municipal general, primary, or special election a proposal to authorize the
16 governing body of the city to impose a tax under this section. The tax authorized in this section
17 shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all
18 other charges and taxes.

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

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

24 YES NO

25
26 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
27 the question, then the tax shall become effective ~~[on the first day of the second calendar quarter after~~
28 ~~the director of revenue receives notice of the adoption of the sales tax]~~ as provided by subsection 19
29 of section 32.087. If a majority of the votes cast on the question by the qualified voters voting
30 thereon are opposed to the question, then the tax shall not become effective unless and until the
31 question is resubmitted under this section to the qualified voters and such question is approved by a
32 majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the
33 qualified voters of the city sooner than twelve months from the date of the proposal under this
34 section.

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

42 4. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
43 amounts in the trust fund and credited to any city for erroneous payments and overpayments made,
44 and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city
45 abolishes the tax, the city shall notify the director of revenue of the action ~~[at least ninety days~~
46 ~~before]~~ prior to the effective date of the repeal, and the repeal shall be effective as provided by
47 subsection 19 of section 32.087. The director of revenue may order retention in the trust fund, for a
48 period of one year, of two percent of the amount collected after receipt of such notice to cover
49 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to

1 the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
 2 in such city, the director of revenue shall remit the balance in the account to the city and close the
 3 account of that city. The director of revenue shall notify each city of each instance of any amount
 4 refunded.

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

8 Shall _____ (insert the name of the city) repeal the sales tax imposed at a
 9 rate of _____ (insert rate of percent) percent for capital improvements purposes in the city's
 10 center city?

11 YES NO

12
 13 If a majority of the votes cast on the proposal are in favor of 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, and
 18 the repeal is approved by a majority of the qualified voters voting on the question. If the city or
 19 county abolishes the tax, the city or county shall notify the director of revenue of the action prior to
 20 the effective date of the repeal, and the repeal shall be effective as provided by subsection 19 of
 21 section 32.087.

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

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

34 94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing
 35 body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

36 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on ~~[the~~
 37 ~~receipts from the sale at]~~ all retail ~~[of all tangible personal property or taxable services at retail]~~
 38 sales within any city adopting such tax, if such property and services are subject to taxation by ~~[the~~
 39 ~~state of Missouri]~~ this state under ~~[the provisions of sections 144.010 to 144.525]~~ chapter 144.

40 3. With respect to any tax increment financing plan originally approved by ordinance of the
 41 city council after March 31, 2009, in any home rule city with more than four hundred thousand
 42 inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed
 43 under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is
 44 defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be
 45 subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of
 46 section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to
 47 94.655 for constructing and operating a light-rail transit system shall not be considered economic
 48 activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived
 49 from such tax shall not be subject to allocation under the provisions of subsection 3 of section

1 99.845 or subsection 4 of section 99.957.

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

11 94.660. 1. The governing body of any city not within a county and any county of the first
 12 classification having a charter form of government with a population of over nine hundred thousand
 13 inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for
 14 submission to the voters of that city or county at an authorized election date selected by the
 15 governing body.

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

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

21 Shall the county/city of _____ (county's or city's name) impose a
 22 county/city-wide sales tax of _____ (insert rate of percent) percent for the purpose of
 23 providing a source of funds for public transportation purposes?

24 YES NO

25
 26 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or
 27 city not within a county on the proposal by the qualified voters voting thereon are in favor of the
 28 proposal, then the tax shall go into effect ~~[on the first day of the next calendar quarter beginning~~
 29 ~~after its adoption and notice to the director of revenue, but no sooner than thirty days after such~~
 30 ~~adoption and notice]~~ as provided by subsection 19 of section 32.087. If a majority of the votes cast
 31 in that county or city not within a county by the qualified voters voting are opposed to the proposal,
 32 then the additional sales tax shall not be imposed in that county or city not within a county unless
 33 and until the governing body of that county or city not within a county shall have submitted another
 34 proposal to authorize the local option transportation sales tax authorized in this section, and such
 35 proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal
 36 ~~[pursuant to]~~ under this section be submitted to the voters sooner than twelve months from the date
 37 of the last proposal.

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

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

45 6. All sales taxes collected by the director of revenue under this section on behalf of any city
 46 or county~~], less one percent for cost of collection which shall be deposited in the state's general~~
 47 ~~revenue fund after payment of premiums for surety bonds,]~~ shall be deposited with the state
 48 treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit
 49 Sales Tax Trust Fund". ~~[The sales taxes shall be collected as provided in section 32.087.]~~ The

1 moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any
 2 funds of the state. The director of revenue shall keep accurate records of the amount of money in
 3 the trust fund which was collected in each city or county approving a sales tax under this section,
 4 and the records shall be open to inspection by officers of the city or county and the public. Not later
 5 than the tenth day of each month the director of revenue shall distribute all moneys deposited in the
 6 trust fund during the preceding month to the city or county which levied the tax, and such funds
 7 shall be deposited with the treasurer of each such city or county and all expenditures of funds arising
 8 from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by
 9 the governing body of each such county or city not within a county.

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

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

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

28 94.705. 1. Any city may by a majority vote of its governing body impose a sales tax on all
 29 retail sales made in the city which are subject to sales tax under chapter 144 for transportation
 30 purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes
 31 which shall be retired by the revenues received from the sales tax authorized by this section. The
 32 tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.
 33 No ordinance imposing a sales tax ~~[pursuant to the provisions of]~~ under this section shall become
 34 effective unless the council or other governing body submits to the voters of the city, at a city or
 35 state general, primary, or special election, a proposal to authorize the council or other governing
 36 body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized
 37 ~~[pursuant to]~~ under this section, to authorize such bonds and their retirement by such tax; except that
 38 no vote shall be required in any city that imposed and collected such tax under sections 94.600 to
 39 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the
 40 following language:

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

43 Shall the city of _____ (city's name) impose a sales tax of _____
 44 (insert ~~[amount]~~ rate of percent) for transportation purposes?

45 YES NO

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

49 (2) If the proposal submitted involves authorization to issue bonds and repay such bonds

1 with revenues from the tax authorized by this section, the following language:

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

5 YES NO

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

9
 10 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the
 11 qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments
 12 thereto shall be in effect as provided by subsection 19 of section 32.087. If the four-sevenths
 13 majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the
 14 proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to
 15 retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the
 16 ordinance and any amendments thereto shall be in effect as provided by subsection 19 of section
 17 32.087. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this
 18 subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or
 19 other governing body of the city shall have no power to impose the tax authorized in subdivision (1)
 20 of this subsection unless and until the council or other governing body of the city submits another
 21 proposal to authorize the council or other governing body of the city to impose the tax and such
 22 proposal is approved by a majority of the qualified voters voting thereon. If more than three-
 23 sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as
 24 provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such
 25 bonds, then the council or other governing body of the city shall have no power to issue any bonds
 26 or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or
 27 other governing body of the city submits another proposal to authorize the council or other
 28 governing body of the city to issue such bonds or impose the tax to retire such bonds and such
 29 proposal is approved by four-sevenths of the qualified voters voting thereon.

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

35 3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the
 36 receipts from the sale at retail of all tangible personal property or taxable services at retail within
 37 any city adopting such tax, if such property and services are subject to taxation by the state of
 38 Missouri under the provisions of [sections 144.010 to 144.525] chapter 144.

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

46 ~~5.] No tax imposed [pursuant to] under this section for the purpose of retiring bonds issued~~
 47 ~~[pursuant to] under this section may be terminated until all of such bonds have been retired.~~

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

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

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

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

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

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

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

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

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

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

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

26 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby
27 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one
28 percent on all retail sales made in such city which are subject to taxation under the provisions of
29 ~~[sections 144.010 to 144.525]~~ chapter 144 for the purpose of improving the public safety for such
30 city, including but not limited to expenditures on equipment, city employee salaries and benefits,
31 and facilities for police, fire and emergency medical providers. The tax authorized by this section
32 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order
33 imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing
34 body of the city submits to the voters of the city, at a county or state general, primary or special
35 election, a proposal to authorize the governing body of the city to impose a tax.

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

38 Shall the city of _____ (city's name) impose a citywide sales tax of _____ (insert amount)
39 for the purpose of improving the public safety of the city?

40 YES NO

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

43
44 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
45 the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments
46 thereto shall be in effect on the first day of the second calendar quarter after the director of revenue
47 receives notification of adoption of the local sales tax. If a proposal receives less than the required
48 majority, then the governing body of the city shall have no power to impose the sales tax herein
49 authorized unless and until the governing body of the city shall again have submitted another

1 proposal to authorize the governing body of the city to impose the sales tax authorized by this
 2 section and such proposal is approved by the required majority of the qualified voters voting
 3 thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters
 4 sooner than twelve months from the date of the last proposal pursuant to this section.

5 3. All revenue received by a city from the tax authorized under the provisions of this section
 6 shall be deposited in a special trust fund and shall be used solely for improving the public safety for
 7 such city for so long as the tax shall remain in effect.

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

13 5. All sales taxes collected by the director of the department of revenue under this section
 14 on behalf of any city, less one percent for cost of collection which shall be deposited in the state's
 15 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,
 16 shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public
 17 Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds
 18 and shall not be commingled with any funds of the state. The provisions of section 33.080 to the
 19 contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the
 20 general revenue fund. The director of the department of revenue shall keep accurate records of the
 21 amount of money in the trust and which was collected in each city imposing a sales tax pursuant to
 22 this section, and the records shall be open to the inspection of officers of the city and the public.
 23 Not later than the tenth day of each month the director of the department of revenue shall distribute
 24 all moneys deposited in the trust fund during the preceding month to the city which levied the tax;
 25 such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds
 26 arising from the trust fund shall be by an appropriation act to be enacted by the governing body of
 27 each such city. Expenditures may be made from the fund for any functions authorized in the
 28 ordinance or order adopted by the governing body submitting the tax to the voters.

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

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

43
 44 Further amend said bill, Section 99.848, Page 9, Line 15, by inserting after said section and line the
 45 following:

46
 47 "144.010. [1-] The following words, terms, and phrases when used in ~~[sections 144.010 to~~
 48 ~~144.525]~~ this chapter shall have the meanings ascribed to them in this section, except when the
 49 context indicates a different meaning:

1 (1) "Admission", includes seats and tables, reserved or otherwise, and other similar
 2 accommodations and charges made therefor and amount paid for admission, exclusive of any
 3 admission tax imposed by the federal government or ~~[by sections 144.010 to 144.525]~~ under chapter
 4 144;

5 (2) "Advertising and promotional direct mail", printed material that meets the definition of
 6 direct mail, the primary purpose of which is to attract public attention to a product, person, business,
 7 or organization or to attempt to sell, popularize, or secure financial support for a product, person,
 8 business, or organization. As used in this subdivision, the word "product" means tangible personal
 9 property, a product transferred electronically, or a service;

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

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

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

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

21 (7) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers,
 22 conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators, and freezers;

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

26 (a) Antimicrobial agents;

27 (b) Carbonation;

28 (c) Fluoride;

29 (d) Oxygen;

30 (e) Preservatives;

31 (f) Vitamins, minerals, and electrolytes; or

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

33
 34 "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold
 35 with the water;

36 (9) "Bundled transaction":

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (10) "Business", includes any activity engaged in by any person, or caused to be engaged in
 29 by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification
 30 of which business is of such character as to be subject to the terms of [sections 144.010 to 144.525]
 31 chapter 144. [A person is "engaging in business" in this state for purposes of sections 144.010 to
 32 144.525 if such person engages in business activities within this state or maintains a place of
 33 business in this state under section 144.605.] The isolated or occasional sale of tangible personal
 34 property, service, substance, or thing, by a person not engaged in such business, does not constitute
 35 engaging in business within the meaning of [sections 144.010 to 144.525] chapter 144 unless the
 36 total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible
 37 personal property by persons which property is sold in the course of the partial or complete
 38 liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any
 39 calendar year. The provisions of this subdivision shall not be construed to make any sale of property
 40 which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

41 [~~3~~] (11) "Calendar quarter", the period of three consecutive calendar months ending on
 42 March thirty-first, June thirtieth, September thirtieth, or December thirty-first;

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

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

49 (14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,

1 northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive
2 elk, and captive furbearers held under permit issued by the Missouri department of conservation for
3 hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested
4 animal;

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

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

12 (17) "Clothing":

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

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

15 a. Aprons, household and shop;

16 b. Athletic supporters;

17 c. Baby receiving blankets;

18 d. Bathing suits and caps;

19 e. Beach capes and coats;

20 f. Belts and suspenders;

21 g. Boots;

22 h. Coats and jackets;

23 i. Costumes;

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

25 k. Ear muffs;

26 l. Footlets;

27 m. Formal wear;

28 n. Garters and garter belts;

29 o. Girdles;

30 p. Gloves and mittens for general use;

31 q. Hats and caps;

32 r. Hosiery;

33 s. Insoles for shoes;

34 t. Lab coats;

35 u. Neckties;

36 v. Overshoes;

37 w. Pantyhose;

38 x. Rainwear;

39 y. Rubber pants;

40 z. Sandals;

41 aa. Scarves;

42 bb. Shoes and shoe laces;

43 cc. Slippers;

44 dd. Sneakers;

45 ee. Socks and stockings;

46 ff. Steel-toed shoes;

47 gg. Underwear;

48 hh. Uniforms, athletic and nonathletic; and

49 ii. Wedding apparel; and

1 (c) "Clothing" shall not include:

2 a. Belt buckles sold separately;

3 b. Costume masks sold separately;

4 c. Patches and emblems sold separately;

5 d. Sewing equipment and supplies including, but not limited to, knitting needles, patterns,
6 pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; or

7 e. Sewing materials that become part of clothing including, but not limited to, buttons,
8 fabric, lace, thread, yarn, and zippers;

9 (18) "Clothing accessories and equipment", incidental items worn on the person or in
10 conjunction with clothing. "Clothing accessories and equipment" is mutually exclusive of clothing,
11 sport or recreational equipment, and protective equipment;

12 (19) "Coin-operated telephone service", a telecommunications service paid for by inserting
13 moneys into a telephone accepting direct deposits of moneys to operate;

14 (20) "Communications channel", a physical or virtual path of communications over which
15 signals are transmitted between or among customer channel termination points;

16 (21) "Computer", an electronic device that accepts information in digital or similar form and
17 manipulates it for a result based on a sequence of instructions;

18 (22) "Computer software", a set of coded instructions designed to cause a computer or
19 automatic data processing equipment to perform a task. "Computer software" shall not include
20 specified digital products, digital audio-visual works, digital audio works, or digital books;

21 (23) "Conference bridging service", an ancillary service that links two or more participants
22 of an audio or video conference call and may include the provision of a telephone number.
23 "Conference bridging service" shall not include the telecommunications services used to reach the
24 conference bridge;

25 (24) "Customer", the person or entity that contracts with the seller of telecommunications
26 services. If the end user of the telecommunications service is not the contracting party, the end user
27 of the telecommunications service is the customer of the telecommunications service, but this
28 definition only applies to the purpose of sourcing sales of telecommunications services under
29 section 144.114. "Customer" shall not include a reseller of telecommunications service or, for
30 mobile telecommunications, service of a serving carrier under an agreement to serve the customer
31 outside the home service provider's licensed service area;

32 (25) "Customer channel termination point", the location where the customer either inputs or
33 receives the communication;

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

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

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

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

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

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

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

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

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

15 (35) "Drug", a compound, substance, or preparation, and any component of a compound,
 16 substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic
 17 beverages, or grooming and hygiene products:

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

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

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

22
 23 "Drug" shall include insulin and medical oxygen;

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

26 (a) Can withstand repeated use;

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

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

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

30 (e) Is for home use;

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

33 (g) Shall not include:

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

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

38
 39 As used in this subdivision, repair and replacement parts shall include all components or
 40 attachments used in conjunction with the durable medical equipment;

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

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

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

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

1 (a) Shall include:

2 a. Maintaining or having a franchisee or licensee operating under the seller's trade name in
 3 this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to
 4 144.527; or

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

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

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

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

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

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

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

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

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

30 (e) The presumption in paragraph (d) of this subdivision may be rebutted by submitting
 31 proof that the residents with whom the vendor has an agreement did not engage in any activity
 32 within the state that was significantly associated with the vendor's ability to establish or maintain the
 33 vendor's market in the state during the preceding twelve months. Such proof may consist of sworn
 34 written statements from all of the residents with whom the vendor has an agreement stating that they
 35 did not engage in any solicitation in the state on behalf of the vendor during the preceding year,
 36 provided that such statements were provided and obtained in good faith;

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

41 (42) "Food sold through vending machines", food, food ingredients, prepared food, bottled
 42 water, candy, soft drinks and other beverages, dispensed from a machine or other mechanical device
 43 that accepts payment;

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

47 [4] (44) "Gross receipts" [;] or "sales price":

48 (a) Except as provided in section 144.012, [means the total amount of the sale price of the
 49 sales at retail including any services other than charges incident to the extension of credit that are a

1 part of such sales made by the businesses herein referred to, capable of being valued in money,
 2 whether received in money or otherwise; except that, the term gross receipts shall not include the
 3 sale price of property returned by customers when the full sale price thereof is refunded either in
 4 cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross
 5 receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes
 6 of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed
 7 to be the amount received. It shall also include the lease or rental consideration where the right to
 8 continuous possession or use of any article of tangible personal property is granted under a lease or
 9 contract and such transfer of possession would be taxable if outright sale were made and, in such
 10 cases, the same shall be taxable as if outright sale were made and considered as a sale of such
 11 article, and the tax shall be computed and paid by the lessee upon the rentals paid. The term gross
 12 receipts shall not include usual and customary delivery charges that are stated separately from the
 13 sale price;] applies to the measure subject to sales tax and means the total amount of consideration,
 14 including cash, credit, property, and services, for which personal property or services are sold,
 15 leased, or rented and is valued in moneys, whether received in moneys or otherwise, without any
 16 deduction for the following:

- 17 a. The seller's cost of the property sold;
 18 b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation
 19 to the seller, all taxes imposed on the seller, and any other expense of the seller;
 20 c. Charges by the seller for any services necessary to complete the sale, other than delivery
 21 and installation charges;
 22 d. Delivery charges; and
 23 e. Credit for any trade-in;
 24 (b) The term shall not include:
 25 a. Discounts, including cash, term, or coupons, that are not reimbursed by a third party and
 26 that are allowed by a seller and taken by a purchaser on a sale;
 27 b. Interest, financing, and carrying charges from credit extended on the sale of personal
 28 property or services if the amount is separately stated on the invoice, bill of sale, or similar
 29 document given to the purchaser; and
 30 c. Any taxes legally imposed directly on the consumer that are separately stated on the
 31 invoice, bill of sale, or similar document given to the purchaser; and
 32 (c) The term shall include consideration received by the seller from third parties if:
 33 a. The seller actually receives consideration from a party other than the purchaser, and the
 34 consideration is directly related to a price reduction or discount on the sale;
 35 b. The seller has an obligation to pass the price reduction or discount through to the
 36 purchaser;
 37 c. The amount of the consideration attributable to the sale is fixed and determinable by the
 38 seller at the time of the sale of the item to the purchaser; and
 39 d. One of the following criteria is met:
 40 (i) The purchaser presents a coupon, certificate, or other documentation to the seller to claim
 41 a price reduction or discount where the coupon, certificate, or documentation is authorized,
 42 distributed, or granted by a third party with the understanding that the third party will reimburse any
 43 seller to whom the coupon, certificate, or documentation is presented;
 44 (ii) The purchaser identifies himself or herself to the seller as a member of a group or
 45 organization entitled to a price reduction or discount. A preferred customer card that is available to
 46 any patron shall not constitute membership in such a group; or
 47 (iii) The price reduction or discount is identified as a third-party price reduction or discount
 48 on the invoice received by the purchaser or on a coupon, certificate, or other documentation
 49 presented by the purchaser;

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

3 ~~[(5)]~~ (46) "Instructional class", includes any class, lesson, or instruction intended or used for
4 teaching;

5 (47) "Lease or rental":

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

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

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

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

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

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

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

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

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

31 ~~[(6)]~~ (51) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,
32 ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk
33 documented as obtained from a legal source and not from the wild, goats, horses, other equine,
34 honey bees, or rabbits raised in confinement for human consumption;

35 ~~[(7)]~~ (52) "Load and leave", delivery to the purchaser by use of a tangible storage media if
36 the tangible storage media is not physically transferred to the purchaser;

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

41 (54) "Manufactured home", the same meaning as such term is defined under section
42 700.010;

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

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

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

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

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

3
 4 "Mobility-enhancing equipment" shall not include durable medical equipment or any motor vehicle
 5 or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

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

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

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

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

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

24 ~~[(8)]~~ (62) "Optional computer software maintenance contract", a computer software
 25 maintenance contract that a customer is not obligated to purchase as a condition to the retail sale of
 26 computer software;

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

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

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

34 (c) Other nonpromotional direct mail delivered to existing or former shareholders,
 35 customers, employees, or agents including, but not limited to, newsletters and informational pieces.

36
 37 "Other direct mail" shall not include the development of billing information or the provision of any
 38 data processing service that is more than incidental;

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

42 (a) A drug facts panel; or

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

45 (65) "Person", includes any individual, firm, copartnership, joint adventure, association,
 46 corporation, municipal or private, and whether organized for profit or not, state, county, political
 47 subdivision, state department, commission, board, bureau or agency, ~~except the state transportation~~
 48 department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court,
 49 syndicate, ~~or~~ any other group or combination acting as a unit, or any other legal entity, and the

1 plural as well as the singular number;

2 ~~(9)~~ (66) "Place of primary use", the street address representative of where the customer's
3 use of the telecommunications service primarily occurs, which shall be the residential street address
4 or the primary business street address of the customer. In the case of mobile telecommunications
5 services, "place of primary use" shall be within the licensed service area of the home service
6 provider;

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

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

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

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

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

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

47 (73) "Private communication service", a telecommunications service that entitles the
48 customer to exclusive or priority use of a communications channel or group of channels between or
49 among termination points, regardless of the manner in which such channel or channels are

1 connected, and includes switching capacity, extension lines, stations, and any other associated
 2 services that are provided in connection with the use of such channel or channels;

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

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

8 [(10)] (76) "Prosthetic device", a replacement, corrective, or supportive device, including
 9 repair and replacement parts for the same, worn on or in the body to artificially replace a missing
 10 portion of the body, prevent or correct a physical deformity or malfunction, or support a weak or
 11 deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses
 12 or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and
 13 Medicare reimbursement;

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

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

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

22 (80) "Purchaser" [means] , a person [who purchases tangible] to whom a sale of personal
 23 property is made or to whom [are rendered services, receipts from which are taxable under sections
 24 144.010 to 144.525] a service is rendered;

25 [(11)] (81) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light aircraft
 26 kit, or light aircraft parts or components who is a nonresident of this state; who will transport the
 27 light aircraft, light aircraft kit, or light aircraft parts or components outside this state within ten days
 28 after the date of purchase; and who will register any light aircraft so purchased in another state or
 29 country. A qualified light aircraft purchaser shall not base the light aircraft, light aircraft kit, or light
 30 aircraft parts in this state, and a qualified light aircraft purchaser shall not be a resident of the state
 31 unless such purchaser has paid sales or use tax on such aircraft in another state;

32 (82) "Receive" or "receipt", taking possession of tangible personal property, making first use
 33 of services, or taking possession or making first use of digital goods, whichever comes first.
 34 "Receive" or "receipt" shall not include possession by a shipping company on behalf of the
 35 purchaser;

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

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

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

49 ————[(13)] (85) "Sale at retail" [means any transfer made by any person engaged in business as

1 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or
 2 consumption and not for resale in any form as tangible personal property, for a valuable
 3 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
 4 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,
 5 optometrists and veterinarians and used in the practice of their professions shall be deemed to be
 6 purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,
 7 computer output or microfilm or microfiche and computer-assisted photo-compositions to a
 8 purchaser to enable the purchaser to obtain for his or her own use the desired information contained
 9 in such computer printouts, computer output on microfilm or microfiche and computer-assisted
 10 photo-compositions shall be considered as the sale of a service and not as the sale of tangible
 11 personal property] or "retail sale", any sale, lease, or rental for any purpose other than for resale,
 12 sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians,
 13 dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed
 14 to be purchases for use or consumption and not for resale. Where necessary to conform to the
 15 context of [sections 144.010 to 144.525] chapter 144 and the tax imposed thereby, the term sale at
 16 retail shall be construed to embrace:

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

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

22 (c) Sales of [~~local and long distance~~] telecommunications [~~service to telecommunications~~
 23 ~~subscribers~~] services and [~~to others through equipment of telecommunications subscribers for the~~
 24 ~~transmission of messages and conversations,~~] ancillary services and the sale, rental or leasing of all
 25 equipment or services pertaining or incidental thereto;

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

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

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

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

35 (87) "School art supply":

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

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

40 a. Clay and glazes;

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

42 c. Paintbrushes for artwork;

43 d. Sketch and drawing pads; and

44 e. Watercolors;

45 (88) "School computer supply":

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

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

- 1 a. Computer storage media, diskettes, and compact discs;
 2 b. Hand-held electronic schedulers, except devices that are cellular phones;
 3 c. Personal digital assistants, except devices that are cellular phones; and
 4 d. Computer printers and printer supplies for computers, printer paper, and printer ink;
 5 (89) "School instructional material":
 6 (a) Written material commonly used by a student in a course of study as a reference and to
 7 learn the subject being taught. The term is mutually exclusive of the terms "school supply", "school
 8 art supply", and "school computer supply"; and
 9 (b) The following is an all-inclusive list:
 10 a. Reference books;
 11 b. Reference maps and globes;
 12 c. Textbooks; and
 13 d. Workbooks;
 14 (90) "School supply":
 15 (a) An item commonly used by a student in a course of study. The term is mutually
 16 exclusive of the terms "school art supply", "school computer supply", and "school instructional
 17 material"; and
 18 (b) The following is an all-inclusive list:
 19 a. Binders;
 20 b. Blackboard chalk;
 21 c. Book bags;
 22 d. Calculators;
 23 e. Cellophane tape;
 24 f. Compasses;
 25 g. Composition books;
 26 h. Crayons;
 27 i. Erasers;
 28 j. Folders: expandable, pocket, plastic, and manila;
 29 k. Glue, paste, and paste sticks;
 30 l. Highlighters;
 31 m. Index cards;
 32 n. Index card boxes;
 33 o. Legal pads;
 34 p. Lunch boxes;
 35 q. Markers;
 36 r. Notebooks;
 37 s. Paper: loose leaf, notebook paper, copy paper, graph paper, tracing paper, manila paper,
 38 colored paper, poster board, and construction paper;
 39 t. Pencil boxes and other school supply boxes;
 40 u. Pencil sharpeners;
 41 v. Pencils;
 42 w. Pens;
 43 x. Protractors;
 44 y. Rulers;
 45 z. Scissors; and
 46 aa. Writing tablets;
 47 [(14)] (91) "Seller" [means] , a person [selling or furnishing tangible] making sales, leases,
 48 or rentals of personal property or [rendering services, on the receipts from which a tax is imposed
 49 pursuant to section 144.020] services;

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

5 (93) "Service address":

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

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

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

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

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

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

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

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

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

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

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

37 ~~[(16)]~~ (102) "Telecommunications service" [, for the purpose of this chapter, the
 38 transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other
 39 similar means. As used in this definition, "information" means knowledge or intelligence
 40 represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

41 Telecommunications service does not include the following if such services are separately stated on
 42 the customer's bill or on records of the seller maintained in the ordinary course of business:

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

45 ~~—— (b) Answering services and one-way paging services;~~

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

49 ~~—— (d) Cable or satellite television or music services.] :~~

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

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

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

11 (d) "Telecommunications service" shall not include:

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

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

16 c. Tangible personal property;

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

18 e. Billing and collection services provided to third parties;

19 f. Internet access service;

20 g. Radio and television audio and video programming services, regardless of the medium,
21 including the furnishing of transmission, conveyance, and routing of such services by the
22 programming service provider. Radio and television audio and video programming services shall
23 include, but not be limited to, cable service, as defined in 47 U.S.C. Section 522(6), and audio and
24 video programming services delivered by commercial mobile radio service providers, as defined in
25 47 CFR 20.3;

26 h. Ancillary services; or

27 i. Digital products delivered electronically including, but not limited to, software, music,
28 video, reading materials, or ringtones;

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

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

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

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

36 a. Registered through the International Registration Plan; and

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

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

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

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

49 (106) "Use-based exemption", an exemption based on a specified use of the product by the

1 purchaser;

2 (107) "Vendor", every person engaged in making sales of tangible personal property by mail
 3 order, by advertising, by agent, or by peddling, soliciting, or taking orders for sales of tangible
 4 personal property for storage, use, or consumption in this state; all salespersons, solicitors, hawkers,
 5 representatives, consignees, peddlers, or canvassers, as agents of the dealers, distributors,
 6 consignors, supervisors, principals, or employers under whom they operate or from whom they
 7 obtain the tangible personal property sold by them; every person who maintains a place of business
 8 in this state, maintains a stock of goods in this state, or engages in business activities within this
 9 state; and every person who engages in this state in the business of acting as a selling agent for
 10 persons not otherwise vendors as defined in this subdivision. Distributors, consignors, supervisors,
 11 principals, and employers shall be regarded as vendors, irrespective of whether they are making
 12 sales on their own or on behalf of the dealers, and such distributors, consignors, supervisors,
 13 principals, employers, and dealers shall be regarded as vendors for the purposes of sections 144.600
 14 to 144.745.

15 ~~[2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other~~
 16 ~~provisions of law pertaining to sales or use taxes which incorporate the provisions of sections~~
 17 ~~144.010 to 144.525 by reference, the term manufactured homes shall have the same meaning given~~
 18 ~~it in section 700.010.~~

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

20 144.011. 1. For purposes of [sections 144.010 to 144.525 and 144.600 to 144.748] chapter
 21 144, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be
 22 construed to include any of the following:

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

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

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

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

33 (5) The transfer of tangible personal property to a partnership solely in exchange for a
 34 partnership interest therein;

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

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

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

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

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

1 toothpicks;

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

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

8 (a) A transfer which involves the delivery of the document known as the "Manufacturer's
9 Statement of Origin" to a person other than a manufactured home dealer, as defined in section
10 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the
11 department of revenue of this state or the appropriate agency or officer of any other state;

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

15 (c) The first transfer which occurs after December 31, 1985, if the tax imposed by ~~[sections~~
16 ~~144.010 to 144.525]~~ chapter 144 was not paid on any transfer of the same manufactured home
17 which occurred before December 31, 1985; or

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

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

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

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

30 2. The assumption of liabilities of the transferor by the transferee incident to any of the
31 transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not
32 disqualify the transfer from the exclusion described in this section, where such liability assumption
33 is related to the property transferred and where the assumption does not have as its principal purpose
34 the avoidance of Missouri sales or use tax.

35 144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1,
36 1997, the tax levied and imposed ~~[pursuant to sections 144.010 to 144.525 and sections 144.600 to~~
37 ~~144.746]~~ under chapter 144 on all retail sales of food, food sold through vending machines, and
38 food ingredients shall be at the rate of one percent. The revenue derived from the one percent rate
39 ~~[pursuant to]~~ under this section shall be deposited by the state treasurer in the school district trust
40 fund and shall be distributed as provided ~~[in]~~ under section 144.701.

41 2. ~~[For the purposes of this section, the term "food" shall include only those products and~~
42 ~~types of food for which food stamps may be redeemed pursuant to the provisions of the Federal~~
43 ~~Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may~~
44 ~~be amended hereafter, and shall include food dispensed by or through vending machines. For the~~
45 ~~purpose of this section,]~~ Except for food sold through vending [machine sales, the term "food"]
46 machines, subsection 1 of this section shall not [include] apply to food or drink sold by any
47 establishment where the gross receipts derived from the sale of food prepared by such establishment
48 for immediate consumption on or off the premises of the establishment constitutes more than eighty
49 percent of the total gross receipts of that establishment, regardless of whether such prepared food is

1 consumed on the premises of that establishment, including, but not limited to, sales of food by any
2 restaurant, fast food restaurant, delicatessen, eating house, or café.

3 144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used
4 motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways
5 or waters of this state which are required to be titled under the laws of the state of Missouri and,
6 except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging
7 in the business of selling tangible personal property or rendering taxable service at retail in this
8 state. The rate of tax shall be as follows:

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

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

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

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

29 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services
30 for transmission of messages of telegraph companies;

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

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

41 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
42 tangible personal property, provided that if the lessor or renter of any tangible personal property had
43 previously purchased the property under the conditions of sale at retail or leased or rented the
44 property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or
45 subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental
46 receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles,
47 mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in
48 this section and section 144.070. In no event shall the rental or lease of boats and outboard motors
49 be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation

1 nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of
 2 amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed
 3 under the provisions of the sales tax laws as provided under such laws for motor vehicles and
 4 trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030
 5 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

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

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

14 144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon
 15 the privilege of engaging in the business, in this state, of selling tangible personal property and those
 16 services listed in section 144.020 and for the privilege of titling new and used motor vehicles,
 17 trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this
 18 state which are required to be registered under the laws of the state of Missouri. Except as
 19 otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of
 20 property or service and is levied at the rate provided for in section 144.020. Excluding subdivision
 21 (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and 144.450, the extent to
 22 which a seller is required to collect the tax from the purchaser of the taxable property or service is
 23 governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all
 24 sellers to report to the director of revenue their "gross receipts", defined herein to mean the
 25 aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross
 26 receipts.

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

- 29 (1) The director of revenue;
- 30 (2) The administrative hearing commission; or
- 31 (3) A court of competent jurisdiction;

32
 33 which changes which items of tangible personal property or services are taxable, and a reasonable
 34 person would not have expected the decision or order based solely on prior law or regulation, all
 35 affected sellers shall be notified by the department of revenue before such modification shall take
 36 effect for such sellers. Failure of the department of revenue to notify a seller shall relieve such
 37 seller of liability for taxes that would be due under the modification until the seller is notified. The
 38 waiver of liability for taxes under this subsection shall only apply to sellers actively selling the type
 39 of tangible personal property or service affected by the decision on the date the decision or order is
 40 made or handed down and shall not apply to any seller that has previously remitted tax on the
 41 tangible personal property or taxable services subject to the decision or order or to any seller that
 42 had prior notice that the seller must collect and remit the tax.

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

47 4. Notwithstanding any other provision of law, any seller, as defined in section 144.010,
 48 selling tangible personal property or services herein designated and defined as taxable under the
 49 terms of sections 144.010 to 144.560 for delivery into this state, who does not have a physical

1 presence in this state, is subject to sections 144.010 to 144.560, shall remit the sales tax, and shall
 2 follow all applicable procedures and requirements of law as if the seller had a physical presence in
 3 this state, provided the seller meets either of the following criteria in the previous or current
 4 calendar year:

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

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

9
 10 No obligation to collect and remit sales tax required by this subsection shall be applied before
 11 January 1, 2020.

12 144.022. 1. In the case of a bundled transaction that includes any telecommunications
 13 service, ancillary service, internet access, or audio or video programming service:

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

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

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

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

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

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

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

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

38 144.030. 1. There is hereby specifically exempted from the provisions of [sections 144.010
 39 to 144.525] this chapter and from the computation of the tax levied, assessed or payable [pursuant to
 40 sections 144.010 to 144.525] under this chapter such retail sales as may be made in commerce
 41 between this state and any other state of the United States, or between this state and any foreign
 42 country, and any retail sale which [the state of Missouri] this state is prohibited from taxing
 43 [pursuant to] under the Constitution or laws of the United States of America, and such retail sales of
 44 tangible personal property which the general assembly of the state of Missouri is prohibited from
 45 taxing or further taxing [by] under the constitution of this state.

46 2. There are also specifically exempted from the provisions of the local sales tax law as
 47 defined in section 32.085, section 238.235, and [sections 144.010 to 144.525 and 144.600 to
 48 144.761] chapter 144 and from the computation of the tax levied, assessed or payable [pursuant to]
 49 under the local sales tax law as defined in section 32.085, section 238.235, and [sections 144.010 to

1 144.525 and 144.600 to 144.745] chapter 144:

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

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

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

26 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
27 required for the installation or construction of such replacement machinery, equipment, and parts,
28 used directly in manufacturing, mining, fabricating or producing a product which is intended to be
29 sold ultimately for final use or consumption; and machinery and equipment, and the materials and
30 supplies required solely for the operation, installation or construction of such machinery and
31 equipment, purchased and used to establish new, or to replace or expand existing, material recovery
32 processing plants in this state. For the purposes of this subdivision, a "material recovery processing
33 plant" means a facility that has as its primary purpose the recovery of materials into a usable product
34 or a different form which is used in producing a new product and shall include a facility or
35 equipment which are used exclusively for the collection of recovered materials for delivery to a
36 material recovery processing plant but shall not include motor vehicles used on highways. For
37 purposes of this section, the terms motor vehicle and highway shall have the same meaning
38 ~~[pursuant to]~~ as under section 301.010. ~~[For the purposes of this subdivision, subdivision (5) of this~~
39 ~~subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of~~
40 ~~section 144.010, the term "product" includes telecommunications services and the term~~
41 ~~"manufacturing" shall include the production, or production and transmission, of~~
42 ~~telecommunications services. The preceding sentence does not make a substantive change in the~~
43 ~~law and is intended to clarify that the term "manufacturing" has included and continues to include~~
44 ~~the production and transmission of "telecommunications services", as enacted in this subdivision~~
45 ~~and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of~~
46 ~~section 144.010. The preceding two sentences reaffirm legislative intent consistent with the~~
47 ~~interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co.*~~
48 ~~*v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director*~~
49 ~~*of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme~~

1 court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d
2 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v.*
3 *Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of*
4 *Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as
5 expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d
6 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc
7 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is
8 hereby affirmed.] Material recovery is not the reuse of materials within a manufacturing process or
9 the use of a product previously recovered. The material recovery processing plant shall qualify
10 under the provisions of this section regardless of ownership of the material being recovered;

11 (5) Machinery and equipment, and parts and the materials and supplies solely required for
12 the installation or construction of such machinery and equipment, purchased and used to establish
13 new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery
14 and equipment is used directly in manufacturing, mining or fabricating a product which is intended
15 to be sold ultimately for final use or consumption[. The construction and application of this
16 subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*,
17 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763
18 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc
19 2005), is hereby affirmed];

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

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

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

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

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

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

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

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

49 (14) Machinery, equipment, appliances and devices purchased or leased and used solely for

1 the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely
 2 required for the installation, construction or reconstruction of such machinery, equipment,
 3 appliances and devices;

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

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

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

20 (18) All sales of ~~[insulin, and all sales, rentals, repairs, and parts of durable medical~~
 21 ~~equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal~~
 22 ~~Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items~~
 23 ~~specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing~~
 24 ~~aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only~~
 25 ~~upon a lawful prescription of a practitioner licensed to administer those items, including samples~~
 26 ~~and materials used to manufacture samples which may be dispensed by a practitioner authorized to~~
 27 ~~dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and~~
 28 ~~accessories including parts, and hospital beds and accessories and ambulatory aids including parts,~~
 29 ~~and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille~~
 30 ~~writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with~~
 31 ~~one or more physical or mental disabilities to enable them to function more independently, all sales~~
 32 ~~or rental of scooters including parts, and reading machines, electronic print enlargers and~~
 33 ~~magnifiers, electronic alternative and augmentative communication devices, and items used solely~~
 34 ~~to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or~~
 35 ~~sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, and all sales of~~
 36 prescription drugs, durable medical equipment, prosthetic devices, mobility-enhancing equipment,
 37 kidney dialysis equipment and enteral feeding systems, and drugs required by the Food and Drug
 38 Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66,
 39 or its successor, as prescribed by a health care practitioner licensed to prescribe;

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

43 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
 44 and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including
 45 fraternal organizations which have been declared tax-exempt organizations ~~[pursuant to]~~ under
 46 Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
 47 charitable functions and activities and all sales made to eleemosynary and penal institutions and
 48 industries of the state, and all sales made to any private not-for-profit institution of higher education
 49 not otherwise excluded ~~[pursuant to]~~ under subdivision (19) of this subsection or any institution of

1 higher education supported by public funds, and all sales made to a state relief agency in the
2 exercise of relief functions and activities;

3 (21) All ticket sales made by benevolent, scientific and educational associations which are
4 formed to foster, encourage, and promote progress and improvement in the science of agriculture
5 and in the raising and breeding of animals, and by nonprofit summer theater organizations if such
6 organizations are exempt from federal tax ~~[pursuant to the provisions of]~~ under the Internal Revenue
7 Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a
8 county agricultural and mechanical society organized and operated ~~[pursuant to]~~ under sections
9 262.290 to 262.530;

10 (22) All sales made to any private not-for-profit elementary or secondary school, all sales of
11 feed additives, medications or vaccines administered to livestock or poultry in the production of
12 food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or
13 fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of
14 propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops,
15 natural gas used in the primary manufacture or processing of fuel ethanol as defined in section
16 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an
17 eligible new generation processing entity as defined in section 348.432, and all sales of farm
18 machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges
19 on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal
20 property which, when mixed with feed for livestock or poultry, is to be used in the feeding of
21 livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as
22 crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or
23 enhance the effect of a pesticide and the foam used to mark the application of pesticides and
24 herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term
25 "farm machinery and equipment" means new or used farm tractors and such other new or used farm
26 machinery and equipment and repair or replacement parts thereon and any accessories for and
27 upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural
28 purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops,
29 raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for
30 ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel
31 fuel therefor which is:

32 (a) Used exclusively for agricultural purposes;

33 (b) Used on land owned or leased for the purpose of producing farm products; and

34 (c) Used directly in producing farm products to be sold ultimately in processed form or
35 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
36 ultimately in processed form at retail;

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

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

49 (b) Regulated utility sellers shall determine whether individual purchases are exempt or

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

10 (c) Each person making domestic use purchases of ~~[services or property and]~~ metered water
 11 service, electricity, piped natural or artificial gas, or other fuels delivered by the seller who uses any
 12 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of
 13 the fourth month following the year of purchase, and without assessment, notice or demand, file a
 14 return and pay sales tax on that portion of nondomestic purchases. Each person making
 15 nondomestic purchases of ~~[services or property and]~~ metered water service, electricity, piped natural
 16 or artificial gas, or other fuels delivered by the seller who uses any portion of the ~~[services or~~
 17 ~~property]~~ metered water service, electricity, piped natural or artificial gas, or other fuels delivered by
 18 the seller so purchased for domestic use, and each person making domestic purchases on behalf of
 19 occupants of residential apartments or condominiums through a single or master meter, including
 20 service for common areas and facilities and vacant units, under a nonresidential utility service rate
 21 classification may, between the first day of the first month and the fifteenth day of the fourth month
 22 following the year of purchase, apply for credit or refund to the director of revenue and the director
 23 shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The
 24 person making such purchases on behalf of occupants of residential apartments or condominiums
 25 shall have standing to apply to the director of revenue for such credit or refund;

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

29 (25) Excise taxes, collected on sales at retail, imposed ~~[by]~~ under 26 U.S.C. Sections 4041,
 30 4071, 4081, [4091,] 4161, 4181, 4251, 4261, and 4271 [of Title 26, United States Code]. The
 31 director of revenue shall promulgate rules ~~[pursuant to]~~ under chapter 536 to eliminate all state and
 32 local sales taxes on such excise taxes;

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

38 (27) All sales made to an interstate compact agency created ~~[pursuant to]~~ under sections
 39 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of
 40 such agency as provided ~~[pursuant to]~~ under the compact;

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

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

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

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

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

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

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

10 (35) All sales of feed which are developed for and used in the feeding of pets owned by a
11 commercial breeder when such sales are made to a commercial breeder, as defined in section
12 273.325, and licensed ~~pursuant to~~ under sections 273.325 to 273.357;

13 (36) All purchases by a contractor on behalf of an entity located in another state, provided
14 that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the
15 provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption"
16 shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases
17 ~~pursuant to~~ under the laws of the state in which the entity is located. Any contractor making
18 purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as
19 evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor
20 is later determined by the director of revenue to be invalid for any reason ~~and the contractor has~~
21 ~~accepted the certificate in good faith~~, neither the contractor or the exempt entity shall be liable for
22 the payment of any taxes, interest and penalty due as the result of use of the invalid exemption
23 certificate unless the contractor fraudulently accepted the certificate. Materials shall be exempt
24 from all state and local sales and use taxes when purchased by a contractor for the purpose of
25 fabricating tangible personal property which is used in fulfilling a contract for the purpose of
26 constructing, repairing or remodeling facilities for the following:

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

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

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

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

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

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

48 (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar
49 places of business for use in the normal course of business and money received by a shooting range

1 or similar places of business from patrons and held by a shooting range or similar place of business
2 for redistribution to patrons at the conclusion of a shooting event;

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

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

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

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

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

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

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

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

34 (c) "Internet access", a service that enables users to connect to the internet to access content,
35 information, or other services without regard to whether the service is referred to as
36 telecommunications, communications, transmission, or similar services, and without regard to
37 whether a provider of the service is subject to regulation by the Federal Communications
38 Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this
39 subdivision, internet access also includes: the purchase, use, or sale of communications services,
40 including telecommunications services as defined in section 144.010, to the extent the
41 communications services are purchased, used, or sold to provide the service described in this
42 subdivision or to otherwise enable users to access content, information, or other services offered
43 over the internet; services that are incidental to the provision of a service described in this
44 subdivision, when furnished to users as part of such service, including a home page, electronic mail,
45 and instant messaging, including voice-capable and video-capable electronic mail and instant
46 messaging, video clips, and personal electronic storage capacity; a home page electronic mail and
47 instant messaging, including voice-capable and video-capable electronic mail and instant
48 messaging, video clips, and personal electronic storage capacity that are provided independently or
49 that are not packed with internet access. As used in this subdivision, internet access does not

1 include voice, audio, and video programming or other products and services, except services
2 described in this paragraph or this subdivision, that use internet protocol or any successor protocol
3 and for which there is a charge, regardless of whether the charge is separately stated or aggregated
4 with the charge for services described in this paragraph or this subdivision;

5 (d) "Tax", any charge imposed by the state or a political subdivision of the state for the
6 purpose of generating revenues for governmental purposes and that is not a fee imposed for a
7 specific privilege, service, or benefit conferred, except as described as otherwise under this
8 subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political
9 subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a
10 governmental entity. The term tax shall not include any franchise fee or similar fee imposed or
11 authorized under ~~[section 67.1830]~~ sections 67.1830 to 67.1846 or section 67.2689; Section 622 or
12 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any
13 other fee related to obligations of telecommunications carriers under the Communications Act of
14 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

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

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

21
22 Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services
23 that were subject to tax on January 1, 2016;

24 (46) All school instructional materials; and

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

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

37 144.032. The provisions of section 144.030 to the contrary notwithstanding, any city
38 imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a
39 sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under
40 the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the
41 provisions of section 205.205 may by ordinance impose a sales tax upon all sales of ~~[metered water~~
42 ~~services,]~~ electricity, ~~[electrical current and natural, artificial or propane gas, wood, coal, or home~~
43 ~~heating oil]~~ piped natural or artificial gas, or other fuels delivered by the seller for domestic use
44 only. Such tax shall be administered by the department of revenue and assessed by the retailer in the
45 same manner as any other city, county, or hospital district sales tax. Domestic use shall be
46 determined in the same manner as the determination of domestic use for exemption of such sales
47 from the state sales tax under the provisions of section 144.030.

48 144.049. 1. ~~[For purposes of this section, the following terms mean:~~

49 ~~—— (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.

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

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

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

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

10 7. (1) For any discount offered by a seller that is a reduction of the sales price of the
11 product, the discounted sales price shall determine whether the sales price falls below the price
12 threshold provided in subsection 1 of this section. A coupon that reduces the sales price shall be
13 treated as a discount only if the seller is not reimbursed for the coupon amount by a third party.

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

18 8. Items that are normally sold as a single unit shall continue to be sold in that manner and
19 shall not be priced separately and sold as individual items.

20 9. Items that are purchased during an exemption period but that are not delivered to the
21 purchaser until after the exemption period due to the item not being in stock shall qualify for an
22 exemption. The provisions of this subsection shall not apply to an item that was delivered during an
23 exemption period but was purchased prior to or after the exemption period.

24 10. (1) If a purchaser purchases an item of eligible property during an exemption period but
25 later exchanges the item for a similar eligible item after the exemption period, no additional tax shall
26 be due on the new item.

27 (2) If a purchaser purchases an item of eligible property during an exemption period but
28 later returns the item after the exemption period and receives credit on the purchase of a different,
29 nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

30 (3) If a purchaser purchases an item of eligible property before an exemption period but
31 during the exemption period returns the item and receives credit on the purchase of a different item
32 of eligible property, no sales tax shall be due on the sale of the new item if the new item is
33 purchased during the exemption period.

34 (4) For a sixty-day period immediately following the end of the exemption period, if a
35 purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the
36 purchaser provides a receipt or invoice that shows tax was paid or the seller has sufficient
37 documentation to show that tax was paid on the item being returned.

38 11. For items that require delivery, an item shall be considered exempt if:

39 (1) The item is both delivered to and paid for by the purchaser during the exemption period;
40 or

41 (2) The purchaser orders and pays for the item and the seller accepts the order during the
42 exemption period for immediate shipment, even if delivery is made after the exemption period. For
43 the purposes of this subdivision, a seller shall be considered to have accepted an order when the
44 seller has taken action to fill the order for immediate shipment. Actions to fill an order shall include
45 placement of an "in date" stamp on a mail order or the assignment of an "order number" to a
46 telephone order. An order shall be considered for immediate shipment when the purchaser does not
47 request delayed shipment. An order shall be considered for immediate shipment notwithstanding a
48 shipment that may be delayed because of a backlog of orders or because an item is currently
49 unavailable or on back order.

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

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

5 (2) "Producing" includes, but is not limited to, the production of, including the production
6 and transmission of, telecommunication services;

7 (3) "Product" includes, but is not limited to, telecommunications services;

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

11 2. In addition to all other exemptions granted under this chapter, there is hereby specifically
12 exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to 144.761, and from the~~
13 ~~computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600~~
14 ~~to 144.761,]~~ this chapter and from the computation of the tax levied, assessed, or payable under this
15 chapter electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy
16 sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing,
17 processing, compounding, mining, or producing of any product, or used or consumed in the
18 processing of recovered materials, or used in research and development related to manufacturing,
19 processing, compounding, mining, or producing any product. [The exemptions granted in this
20 subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this
21 subsection shall be in addition to any state and local sales tax exemption provided in section
22 144.030.] The construction and application of this subsection as expressed by the Missouri supreme
23 court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern*
24 *Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel.*
25 *Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.

26 3. In addition to all other exemptions granted under this chapter, there is hereby specifically
27 exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to 144.761, and section~~
28 ~~238.235, and the local sales tax law as defined in section 32.085, and from the computation of the~~
29 ~~tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and~~
30 ~~section 238.235, and the local sales tax law as defined in section 32.085,]~~ this chapter and from the
31 computation of the tax levied, assessed, or payable under this chapter all utilities, machinery, and
32 equipment used or consumed directly in television or radio broadcasting and all sales and purchases
33 of tangible personal property, utilities, services, or any other transaction that would otherwise be
34 subject to the state or local sales or use tax when such sales are made to or purchases are made by a
35 contractor for use in fulfillment of any obligation under a defense contract with the United States
36 government, and all sales and leases of tangible personal property by any county, city, incorporated
37 town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is
38 certified for sales tax exemption by the department of economic development, and tangible personal
39 property used for railroad infrastructure brought into this state for processing, fabrication, or other
40 modification for use outside the state in the regular course of business.

41 4. In addition to all other exemptions granted under this chapter, there is hereby specifically
42 exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to 144.761, and section~~
43 ~~238.235, and the local sales tax law as defined in section 32.085, and from the computation of the~~
44 ~~tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and~~
45 ~~section 238.235, and the local sales tax law as defined in section 32.085,]~~ this chapter and from the
46 computation of the tax levied, assessed, or payable under this chapter all sales and purchases of
47 tangible personal property, utilities, services, or any other transaction that would otherwise be
48 subject to the state or local sales or use tax when such sales are made to or purchases are made by a
49 private partner for use in completing a project under sections 227.600 to 227.669.

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

12 144.060. 1. It shall be the duty of every person making any purchase or receiving any
 13 service upon which a tax is imposed by sections 144.010 to 144.510 to pay, to the extent possible
 14 under the provisions of section 144.285, the amount of such tax to the person making such sale or
 15 rendering such service. Any person who shall willfully and intentionally refuse to pay such tax shall
 16 be guilty of a misdemeanor. The provisions of this section shall not apply to any person making any
 17 purchase or sale of a motor vehicle subject to sales tax as provided by the Missouri sales tax law,
 18 unless such person making the sale is a motor vehicle dealer authorized to collect and remit sales tax
 19 [pursuant to] under subsection 8 of section 144.070.

20 2. A purchaser shall be relieved from any additional tax, interest, additions, or penalties for
 21 failure to collect and remit the proper amount of tax owed on a purchase subject to tax under this
 22 chapter if:

23 (1) A purchaser's seller or a certified service provider relied on erroneous data provided by
 24 the director on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix
 25 created under section 144.124;

26 (2) A purchaser holding a direct pay permit created under section 144.079 relied on
 27 erroneous data provided by the director on tax rates, boundaries, taxing jurisdiction assignments, or
 28 in the taxability matrix created under section 144.124;

29 (3) A purchaser using a database created under section 144.123 received erroneous data
 30 provided by the director on tax rates, boundaries, or taxing jurisdiction assignments; or

31 (4) A purchaser relied on erroneous data provided by the director in the taxability matrix
 32 created under section 144.124.

33 144.079. 1. The provisions of section 144.080 notwithstanding, the director shall
 34 promulgate rules to allow for the issuance of direct pay permits to purchasers. Purchasers holding
 35 such a permit shall be permitted to purchase goods and services which are subject to sales tax under
 36 this chapter without remitting payment of the tax to the seller at the time of purchase. Such
 37 purchaser shall make a determination of the amount of tax owed and shall report and remit such
 38 amount directly to the taxing jurisdiction.

39 2. The director shall promulgate rules to implement the provisions of this section. Such
 40 rules shall include an application process for the issuance of a permit created under this section.
 41 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
 42 authority delegated in this section shall become effective only if it complies with and is subject to all
 43 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
 44 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536
 45 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 46 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 47 January 1, 2020, shall be invalid and void.

48 144.080. 1. Every person receiving any payment or consideration upon the sale of property
 49 or rendering of service, subject to the tax imposed [by the provisions of sections 144.010 to

1 ~~144.525]~~ under this chapter, is exercising the taxable privilege of selling the property or rendering
 2 the service at retail and is subject to the tax levied in section 144.020. The person shall be
 3 responsible not only for the collection of the amount of the tax imposed on the sale or service to the
 4 extent possible under the provisions of section 144.285, but shall, on or before the last day of the
 5 month following each calendar quarterly period of three months, file a return with the director of
 6 revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the
 7 preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in
 8 section 144.020, except as provided in ~~[subsections]~~ subsection 2 [and 3] of this section. The
 9 director of revenue may promulgate rules or regulations changing the filing and payment
 10 requirements of sellers, but shall not require any seller to file and pay more frequently than required
 11 in this section.

12 2. ~~[Where the aggregate amount levied and imposed upon a seller by section 144.020 is in~~
 13 ~~excess of two hundred fifty dollars for either the first or second month of a calendar quarter, the~~
 14 ~~seller shall file a return and pay such aggregate amount for such months to the director of revenue~~
 15 ~~by the twentieth day of the succeeding month.~~

16 ~~—3.]~~ Where the aggregate amount levied and imposed upon a seller by section 144.020 is less
 17 than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the
 18 seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before
 19 January thirty-first of the succeeding year.

20 ~~[4.]~~ 3. The seller of any property or any person rendering any service, subject to the tax
 21 imposed ~~[by sections 144.010 to 144.525]~~ under this chapter, shall collect the tax from the purchaser
 22 of such property or the recipient of the service to the extent possible under the provisions of section
 23 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the
 24 obligation to pay to the state the tax imposed ~~[by]~~ under section 144.020; except that the collection
 25 of the tax imposed ~~[by sections 144.010 to 144.525]~~ under this chapter on motor vehicles and
 26 trailers shall be made as provided ~~[in]~~ under sections 144.070 and 144.440.

27 ~~[5.]~~ 4. Any person may advertise or hold out or state to the public or to any customer
 28 directly that the tax or any part thereof imposed ~~[by sections 144.010 to 144.525]~~ under this chapter,
 29 and required to be collected by the person, will be assumed or absorbed by the person, provided that
 30 the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the property sold
 31 or service rendered. Any person violating any of the provisions of this section shall be guilty of a
 32 misdemeanor. This subsection shall not apply to any retailer prohibited from collecting and
 33 remitting sales tax under section 66.630.

34 144.082. 1. The director of revenue shall participate in an online registration system that
 35 allows sellers to register in this state and other member states.

36 2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable
 37 sales into this state as well as the other member states, including member states joining after the
 38 seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a
 39 seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

40 3. If the seller has a requirement to register prior to registering under the agreement, such
 41 seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

42 4. Registration with the central registration system and the collection of sales and use taxes
 43 in this state shall not be used as a factor in determining whether the seller has nexus with this state
 44 for any tax at any time.

45 5. Under section 23.253 of the Missouri sunset act:

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

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

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

3 144.083. 1. The director of revenue shall require all persons who are responsible for the
 4 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost
 5 to the licensee which shall be prominently displayed at the licensee's place of business, and the
 6 license is valid until revoked by the director or surrendered by the person to whom issued when
 7 sales are discontinued. The director shall issue the retail sales license within ten working days
 8 following the receipt of a properly completed application. Any person applying for a retail sales
 9 license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to
 10 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before
 11 the department may issue the applicant a license or reinstate the revoked license. All persons
 12 beginning business subsequent to August 13, 1986, and who are required to collect the sales tax
 13 shall secure a retail sales license prior to making sales at retail. Such license may, after ten days'
 14 notice, be revoked by the director of revenue only in the event the licensee shall be in default for a
 15 period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to
 16 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director
 17 of revenue may publish the status of the business account including the date of revocation in a
 18 manner as determined by the director.

19 2. The possession of a retail sales license and a statement from the department of revenue
 20 that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261
 21 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any
 22 state license which is required for conducting any business where goods are sold at retail. The date
 23 of issuance on the statement that the licensee owes no tax due shall be no more than ninety days
 24 before the date of submission for application or renewal of the local license. The revocation of a
 25 retailer's license by the director shall render the occupational license or the state license null and
 26 void.

27 3. No person responsible for the collection of taxes under section 144.080 shall make sales
 28 at retail unless such person is the holder of a valid retail sales license. After all appeals have been
 29 exhausted, the director of revenue may notify the county or city law enforcement agency
 30 representing the area in which the former licensee's business is located that the retail sales license of
 31 such person has been revoked, and that any county or city occupation license of such person is also
 32 revoked. The county or city may enforce the provisions of this section, and may prohibit further
 33 sales at retail by such person.

34 4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009,
 35 the possession of a statement from the department of revenue stating no tax is due under sections
 36 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or
 37 renewal of any city or county occupation license or any state license required for conducting any
 38 business where goods are sold at retail. The statement of no tax due shall be dated no longer than
 39 ninety days before the date of submission for application or renewal of the city or county license.

40 ~~[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale~~
 41 ~~price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or~~
 42 ~~mechanisms negotiated between manufacturers, wholesalers, and retailers.]~~

43 144.084. 1. The director of revenue shall promulgate rules and regulations for remittance of
 44 returns. Such rules shall:

45 (1) Allow for electronic payments by all remitters by both automated clearinghouse credit
 46 and automated clearinghouse debit;

47 (2) Provide an alternative method for making "same day" payments if an electronic funds
 48 transfer fails;

49 (3) Provide that if a due date falls on a Saturday, Sunday, or legal holiday in the member

1 state or on a day the Federal Reserve Bank is closed that prohibits a person from being able to make
2 a payment by ACH debit or credit, the taxes shall be due on the next succeeding business day; and

3 (4) Require that any data that accompanies a remittance be formatted using uniform tax type
4 and payment type codes approved by the streamlined sales and use tax governing board.

5 2. All model 1 sellers, model 2 sellers, and model 3 sellers shall file returns electronically.
6 Any model 1 seller, model 2 seller, or model 3 seller shall submit its sales and use tax returns in a
7 simplified format approved by the director of revenue at such times as may be prescribed by the
8 director.

9 3. (1) The director shall make available to all sellers, regardless of whether a seller is
10 registered under the streamlined sales and use tax agreement, a simplified electronic return that is in
11 a form approved by the streamlined sales and use tax governing board and contains only those fields
12 approved by the governing board. Such simplified electronic return shall consist of two parts, with
13 part one containing information relating to remittances and allocations and part two containing
14 information relating to exempt sales.

15 (2) The director shall not require the submission of part two information from a model 4
16 seller that has no legal requirement to register in the state.

17 4. (1) Certified service providers shall file a simplified electronic return on behalf of its
18 model 1 sellers and shall be required to file part one of the simplified electronic return at the times
19 provided in sections 144.080 and 144.090. The director shall allow model 1 sellers to file parts one
20 and two of the simplified electronic return.

21 (2) Model 2 and model 3 sellers shall file a simplified electronic return at the times provided
22 in sections 144.080 and 144.090 for each taxing period for which they anticipate making sales in the
23 state. Such sellers shall file part two information:

24 (a) At the same time as the seller files part one information; or

25 (b) At the time of the final due date of part one information in a given calendar year. A
26 submission under this paragraph shall include data for all previous months of the same calendar year
27 and shall be presented as yearly totals.

28 (3) The director shall allow model 4 sellers to file a simplified electronic return at the times
29 provided in sections 144.080 and 144.090. Such sellers shall file part two information:

30 (a) At the same time as the seller files part one information; or

31 (b) At the time of the final due date of part one information in a given calendar year. A
32 submission under this paragraph shall include data for all previous months of the same calendar year
33 and shall be presented as yearly totals.

34 (4) Model 4 sellers that elect not to file a simplified electronic return shall file returns in the
35 form and at the times afforded to sellers not registered under the streamlined sales and use tax
36 agreement.

37 (5) The director shall allow sellers not registered under the streamlined sales and use tax
38 agreement that are registered in the state to file a simplified electronic return at the times provided in
39 sections 144.080 and 144.090. Such sellers shall file part two information:

40 (a) At the same time as the seller files part one information; or

41 (b) At the time of the final due date of part one information in a given calendar year. A
42 submission under this paragraph shall include data for all previous months of the same calendar year
43 and shall be presented as yearly totals.

44 5. A seller that is registered under the streamlined sales and use tax agreement and has
45 indicated at the time of registration that it anticipates making no sales which would be sourced to the
46 state under the streamlined sales and use tax agreement shall not be required to file a return. A
47 seller shall be disqualified for such exemption for any quarter in which the seller makes any taxable
48 sales in the state and shall file a return for such quarter as provided in sections 144.080 and 144.090.

49 6. The director shall provide for a standardized transmission process that allows for receipt

1 of uniform tax returns and other formatted information. The process shall provide for the filing of
 2 separate returns for multiple legal entities in a single transmission and shall not include any
 3 requirement for manual entry or input by a seller. The process shall allow a certified service
 4 provider, a tax preparer, or any other authorized entity to do so to file returns for more than one
 5 seller in a single transmission. However, sellers filing returns for multiple legal entities shall only
 6 do so for affiliated legal entities.

7 7. The director shall give notice to a seller registered under the streamlined sales and use tax
 8 agreement that has no legal requirement to register in the state of a failure to file a return and shall
 9 provide such seller at least thirty days following such notice to file a return prior to holding the
 10 seller liable for any penalties based on a failure to file a timely return.

11 8. Under section 23.253 of the Missouri sunset act:

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

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

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

18 144.100. 1. Every person making any taxable sales of property or service, except
 19 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer
 20 or agent, shall make and file a written return with the director of revenue in such manner as he may
 21 prescribe.

22 2. The returns shall be on blanks designed and furnished by the director of ~~the department~~
 23 ~~of] revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns~~
 24 ~~shall [show the amount of gross receipts from sales of taxable property and services by the person~~
 25 ~~and the amount of tax due thereon by that person during and for the period covered by the return]~~
 26 ~~state:~~

27 (1) The name and address of the retailer;

28 (2) The total amount of gross sales of all tangible personal property and taxable services
 29 rendered by the retailer during the period for which the return is made;

30 (3) The total amount received during the period for which the return is made on charges and
 31 time sales of tangible personal property made and taxable services rendered prior to the period for
 32 which the return is made;

33 (4) Deductions allowed by law from the total amount of gross sales and from the total
 34 amount received during the period for which the return is made on the charges and time sales;

35 (5) Receipts during the period for which the return is made from the total amount of sales of
 36 tangible personal property and taxable services rendered during such period in the course of such
 37 business, after deductions allowed by law have been made;

38 (6) Receipts during the period for which the return is made from charge and time sales of
 39 tangible personal property made and taxable services rendered prior to such period in the course of
 40 such business, after deductions allowed by law have been made;

41 (7) Gross receipts during the period for which the return is made from sales of tangible
 42 personal property and taxable services rendered in the course of such business upon the basis of
 43 which the tax is imposed; and

44 (8) Any other pertinent information as the director may require.

45 3. In making a return, the retailer shall determine the market value of any consideration,
 46 other than moneys, received in connection with the sale of any tangible personal property in the
 47 course of the business and shall include such valuation in the return. The valuation shall be subject
 48 to review and revision by the director of revenue as hereinafter provided. Refunds made by a
 49 retailer during the period for which the return is made on account of tangible personal property

1 returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this
2 section in case the retailer has included the receipts from such sale in a return made by such retailer
3 and paid taxes on such sale. The retailer shall, at the time of making a return, pay to the director the
4 amount of tax owed, except as otherwise provided in this section. The director may extend the time
5 for making returns and paying the tax required by this section for any period not to exceed sixty
6 days under any rules and regulations as the director may prescribe.

7 4. The director of revenue shall only require a single tax return for each taxing period, and
8 such return shall include only the taxing jurisdictions in which the seller makes sales within the
9 state. With each return, the person shall remit to the director of revenue the full amount of the tax
10 due.

11 ~~[3-]~~ 5. In case of charge and time sales the gross receipts thereof shall be included as sales
12 in the returns as and when payments are received by the person, without any deduction therefrom
13 whatsoever.

14 [4-] 6. If an error or omission is discovered in a return or a change be necessary to show the
15 true facts, the error may be corrected, the omission supplied, or the change made in the return next
16 filed with the director for the filing period immediately following the filing period in which the error
17 was made or the omission occurred, as prescribed by law, except that no refund under this chapter
18 shall be allowed for any amount of tax paid by a seller which is based upon charges incident to
19 credit card discounts. Any other omission or error must be corrected by filing an amended return for
20 the erroneously reported period if the amount of tax is less than that originally reported, or an
21 additional return if the amount of tax is greater than that originally reported. An additional return
22 shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is
23 received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to
24 tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date
25 the payment is received by the director, whichever is earlier. If a refund or credit results from the
26 filing of an amended return, no refund or credit shall be allowed unless an application for refund or
27 credit is properly completed and submitted to the director ~~[pursuant to]~~ under section 144.190.

28 ~~[5-]~~ 7. The amount of gross receipts from sales and the amount of tax due returned by the
29 person, as well as all matters contained in the return, is subject to review and revision in the manner
30 herein provided for the correction of the returns.

31 144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts
32 attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that
33 is attributed to bad debts shall not include interest.

34 2. The amount of the bad debt deduction shall be calculated under 26 U.S.C. Section 166(b),
35 except that such amount shall be adjusted to exclude financing charges or interest, sales or use taxes
36 charged on the purchase price, uncollectable amounts on property that remains in the possession of
37 the seller until the full purchase price is paid, and expenses incurred in attempting to collect any
38 debt or repossessed property.

39 3. Bad debts may be deducted on the return for the period during which the bad debt is
40 written off as uncollectable in the seller's books and records and is eligible to be deducted for federal
41 income tax purposes. For purposes of this subsection, a seller who is not required to file federal
42 income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is
43 written off as uncollectable in the seller's books and records and would be eligible for a bad debt
44 deduction for federal income tax purposes if the seller was required to file a federal income tax
45 return.

46 4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in
47 part, the tax on the amount so collected shall be paid and reported on the return filed for the period
48 in which the collection is made.

49 5. If the amount of bad debt exceeds the amount of taxable sales for the period during which

1 the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of
 2 limitations for refund claim; however, the statute of limitations shall be measured from the due date
 3 of the return on which the bad debt could first be claimed.

4 6. If filing responsibilities have been assumed by a certified service provider, such service
 5 provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The
 6 certified service provider shall credit or refund the full amount of any bad debt allowance or refund
 7 received to the seller.

8 7. For the purposes of reporting a payment received on a previously claimed bad debt, any
 9 payments made on a debt or account shall first be applied proportionally to the taxable price of the
 10 property or service and the sales tax thereon and secondly to interest, service charges, and any other
 11 charges.

12 8. If the books and records of the seller or certified service provider on behalf of the seller
 13 claiming the bad debt allowance support an allocation of the bad debts among the member states,
 14 such an allocation shall be permitted.

15 144.108. 1. Certified service providers providing services to model 1 sellers shall not be
 16 certified unless:

17 (1) The provider's system has been designed and tested to ensure the anonymity of
 18 purchasers unless otherwise required by law;

19 (2) Personally identifiable information is only used and retained to the extent necessary for
 20 the administration of model 1 sellers with respect to exempt purchasers, and for the identification of
 21 taxing jurisdictions;

22 (3) The provider provides consumers with clear and conspicuous notice of its information
 23 practices, including what information it collects; how it collects such information; how it uses such
 24 information; how long, if at all, it retains such information; and whether it discloses such
 25 information to the state. Such notice shall be satisfied by a written privacy policy statement
 26 accessible by the public on the certified service provider's website;

27 (4) The provider's collection, use, and retention of personally identifiable information is
 28 limited to that required by the state to ensure the validity of exemptions from taxation that are
 29 claimed by reason of a purchaser's status or the intended use of the goods or services purchased, and
 30 for the documentation of correct assignment of taxing jurisdictions; and

31 (5) The provider provides adequate technical, physical, and administrative safeguards so as
 32 to protect personally identifiable information from unauthorized access and disclosure.

33 2. (1) When any personally identifiable information that has been collected and retained is
 34 no longer required for the purposes set forth in subdivision (4) of subsection 1 of this section, such
 35 information shall no longer be retained by the state.

36 (2) When personally identifiable information regarding an individual is retained by or on
 37 behalf of the state, the state shall provide reasonable access by such individual to his or her own
 38 information in the state's possession, as well as a right to correct any inaccurately recorded
 39 information.

40 (3) If anyone other than the state, or a person authorized by the state, seeks to discover
 41 personally identifiable information of an individual, the state shall make a reasonable and timely
 42 effort to notify the individual of such request.

43 3. The attorney general for the state of Missouri shall have the power to enforce the
 44 provisions of this section.

45 4. Under section 23.253 of the Missouri sunset act:

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

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

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

3 144.109. 1. The state shall review software submitted to the streamlined sales and use tax
4 governing board for certification as a certified automated system (CAS) under Section 501 of the
5 streamlined sales and use tax agreement. Such review shall include a review to determine that the
6 program adequately classifies the state's product-based exemptions. Upon completion of the review,
7 the state shall certify to the governing board its acceptance of the classifications made by the
8 system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to
9 this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or
10 model 2 seller's reliance on the certification provided by the state.

11 2. The streamlined sales and use tax governing board and this state shall not be responsible
12 for classification of an item or transaction with the product-based exemptions. The relief from
13 liability provided in this section shall not be available for a CSP or model 2 seller that has
14 incorrectly classified an item or transaction into a product-based exemption certified by this state.
15 This subsection shall not apply to the individual listing of items or transactions within a product
16 definition approved by the governing board of the state.

17 3. If the state determines that an item or transaction is incorrectly classified as to its
18 taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model
19 2 seller shall have ten days to revise the classification after receipt of notice from the state of the
20 determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for
21 failure to collect the correct amount of sales or use taxes due and owing to the state.

22 4. Under section 23.253 of the Missouri sunset act:

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

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

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

29 144.111. 1. (1) All retail sales in this state, excluding leases and rentals, of tangible
30 personal property or digital goods shall be sourced to the location where the order is received by the
31 seller.

32 (2) This subsection shall apply only if:

33 (a) The location where the order is received by the seller and the location where the
34 purchaser receives the product are both in this state;

35 (b) The location where receipt of the product occurs is determined in accordance with
36 subsection 2 of this section; and

37 (c) At the time the order is received, the record-keeping system of the seller used to
38 calculate the proper amount of sales or use tax to be imposed captures the location where the order
39 is received.

40 (3) If the sale is sourced under this section to the location where the order is received by the
41 seller, only the sales tax for the location where the order is received by the seller may be levied. No
42 additional sales or use tax based on the location where the product is delivered to the purchaser may
43 be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and
44 local rate or rates at the location where the product is received by the purchaser is lower than the
45 rate where the order is received by the seller.

46 (4) A purchaser shall have no additional liability to the state for tax, penalty, or interest on a
47 sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such
48 invoice amount is calculated at either the rate applicable to the location where receipt by the
49 purchaser occurs or at the rate applicable to the location where the order is received by the seller. A

1 purchaser may rely on a written representation by the seller as to the location where the order for
2 such sale was received by the seller. If the purchaser does not have a written representation by the
3 seller as to the location where the order for such sale was received by the seller, the purchaser may
4 use a location indicated by a business address for the seller that is available from the business
5 records of the purchaser that are maintained in the ordinary course of the purchaser's business to
6 determine the rate applicable to the location where the order was received.

7 (5) "The location where the order is received by or on behalf of the seller" means the
8 physical location of a seller or third party such as an established outlet, office location, or automated
9 order receipt system operated by or on behalf of the seller where an order is initially received by or
10 on behalf of the seller and not where the order may be subsequently accepted, completed, or
11 fulfilled. An order is "received" when all of the information from the purchaser necessary to the
12 determination whether the order can be accepted has been received by or on behalf of the seller.
13 The location from which a product is shipped shall not be used in determining the location where
14 the order is received by the seller.

15 (6) If taxable services are sold with tangible personal property or digital products under a
16 single contract or in the same transaction, are billed on the same billing statement or statements,
17 and, because of the application of this section, would be sourced to different jurisdictions, this
18 subsection shall apply to determine the source for tax.

19 2. Except as provided under section 144.112, if the location where the order is received by
20 the seller and the location where the receipt of the product by the purchaser or the purchaser's donee,
21 as designated by the purchaser, occurs are in different states, then the retail sale, excluding lease or
22 rental, of a product shall be sourced as follows:

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

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

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

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

37 (5) If subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the
38 circumstances in which the seller is without sufficient information to apply the previous rules, the
39 location shall be determined by the address from which tangible personal property was shipped,
40 from which the digital good or computer software delivered electronically was first available for
41 transmission from the seller, or from which the service was provided, disregarding for these
42 purposes any location that merely provided the digital transfer of the product sold.

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

46 4. The lease or rental of tangible personal property, other than property identified in
47 subsection 2 or 3 of this section, shall be sourced as follows:

48 (1) For a lease or rental that requires recurring periodic payments, the first periodic payment
49 is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section.

1 Periodic payments made subsequent to the first payment are sourced to the primary property
2 location for each period covered by the payment. The primary property location shall be as
3 indicated by an address for the property provided by the lessee that is available to the lessor from its
4 records maintained in the ordinary course of business if use of this address shall not constitute bad
5 faith. The property location shall not be altered by intermittent use at different locations, such as
6 use of business property that accompanies employees on business trips and service calls;

7 (2) For a lease or rental that does not require recurring periodic payments, the payment is
8 sourced the same as a retail sale in accordance with the provisions of subsection 2 of this section;
9 and

10 (3) This subsection shall not affect the imposition or computation of sales or use tax on
11 leases or rentals based on a lump sum or accelerated basis or on the acquisition of property for lease.

12 5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify
13 as transportation equipment, as defined in section 144.010, shall be sourced as follows:

14 (1) For a lease or rental that requires recurring periodic payments, each periodic payment is
15 sourced to the primary property location. The primary property location shall be as indicated by an
16 address for the property provided by the lessee that is available to the lessor from its records
17 maintained in the ordinary course of business if use of such address does not constitute bad faith.
18 Such location shall not be altered by intermittent use at different locations;

19 (2) For a lease or rental that does not require recurring periodic payments, the payment is
20 sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;
21 and

22 (3) This subsection shall not affect the imposition or computation of sales or use tax on
23 leases or rentals based on a lump sum or accelerated basis or on the acquisition of property for lease.

24 6. The retail sale, including lease or rental, of transportation equipment shall be sourced the
25 same as a retail sale in accordance with the provisions of subsection 1 of this section,
26 notwithstanding the exclusion of lease or rental in subsection 2 of this section.

27 144.112. 1. The retail sale of a product shall be sourced in accordance with section 144.111.
28 The provisions of section 144.111 shall apply regardless of the characterization of a product as
29 tangible personal property, a digital good, or a service. The provisions of section 144.111 shall
30 apply only to determine a seller's obligation to pay or collect and remit sales or use tax with respect
31 to the seller's retail sale of a product. The provisions of this subsection shall not affect the
32 obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of
33 that use.

34 2. Section 144.111 shall not apply to sales or use taxes levied on the following:

35 (1) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile
36 homes; and

37 (2) Telecommunications services and ancillary services.

38 144.113. 1. (1) A purchaser of advertising and promotional direct mail may provide the
39 seller with:

40 (a) A direct pay permit;

41 (b) An agreement certificate of exemption claiming direct mail or other written statement
42 approved, authorized, or accepted by the state; or

43 (c) Information showing the jurisdictions to which the advertising and promotional direct
44 mail is to be delivered to recipients.

45 (2) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a)
46 or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is
47 relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising
48 and promotional direct mail to which the permit, certificate, or statement applies. The purchaser
49 shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be

1 delivered to the recipients and shall report and pay any applicable tax due.

2 (3) If the purchaser provides the seller information showing the jurisdictions to which the
 3 advertising and promotional direct mail is to be delivered to recipients, the seller shall source the
 4 sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and
 5 shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any
 6 further obligation to collect any additional tax on the sale of advertising and promotional direct mail
 7 if the seller has sourced the sale according to the delivery information provided by the purchaser.

8 (4) If the purchaser does not provide the seller with any of the items listed in paragraph (a),
 9 (b), or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to
 10 subdivision (5) of subsection 2 of section 144.111. The state to which the advertising and
 11 promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this
 12 subdivision.

13 (5) Notwithstanding section 144.111, this subsection shall apply to sales of advertising and
 14 promotional direct mail.

15 2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced
 16 in accordance with subdivision (3) of subsection 2 of section 144.111.

17 (2) A purchaser of other direct mail may provide the seller with either:

18 (a) A direct pay permit; or

19 (b) An agreement certificate of exemption claiming direct mail or other written statement
 20 approved, authorized, or accepted by the state.

21 (3) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a)
 22 or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all
 23 obligations to collect, pay, or remit any tax on any transaction involving other direct mail to which
 24 the permit, certificate, or statement applies. Notwithstanding subdivision (1) of this subsection, the
 25 sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the
 26 recipients, and the purchaser shall report and pay applicable tax due.

27 (4) Notwithstanding section 144.111, this subsection shall apply to sales of other direct mail.

28 3. (1) (a) This section applies to a transaction characterized under state law as the sale of
 29 services only if the service is an integral part of the production and distribution of printed material
 30 that meets the definition of direct mail; and

31 (b) This section shall not apply to any transaction that includes the development of billing
 32 information or the provision of any data processing service that is more than incidental regardless of
 33 whether advertising and promotional direct mail is included in the same mailing.

34 (2) If a transaction is a bundled transaction that includes advertising and promotional direct
 35 mail, this section applies only if the primary purpose of the transaction is the sale of products or
 36 services that meet the definition of advertising and promotional direct mail.

37 (3) Nothing in this section shall limit any purchaser's:

38 (a) Obligation for sales or use tax to any state to which the direct mail is delivered;

39 (b) Right under local, state, federal, or constitutional law to a credit for sales or use taxes
 40 legally due and paid to other jurisdictions; or

41 (c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

42 (4) This section applies for purposes of uniformly sourcing direct mail transactions and shall
 43 not impose requirements on states regarding the taxation of products that meet the definition of
 44 direct mail or to the application of sales for resale or other exemptions.

45 144.114. 1. Except for the defined telecommunications services under subsection 3 of this
 46 section, the sale of telecommunications service sold on a call-by-call basis shall be sourced to:

47 (1) Each level of taxing jurisdiction where the call originates and terminates in that
 48 jurisdiction; or

49 (2) Each level of taxing jurisdiction where the call either originates or terminates and in

1 which the service address is also located.

2 2. Except for the defined telecommunications services under subsection 3 of this section, a
 3 sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the
 4 customer's place of primary use.

5 3. The sale of the following telecommunications services shall be sourced to each level of
 6 taxing jurisdiction as follows:

7 (1) A sale of mobile telecommunications services other than air-to-ground radiotelephone
 8 service and prepaid calling service is sourced to the customer's place of primary use, as required
 9 under the Mobile Telecommunications Sourcing Act;

10 (2) A sale of post-paid calling service is sourced to the origination point of the
 11 telecommunications signal as first identified by either:

12 (a) The seller's telecommunications system; or

13 (b) Information received by the seller from its service provider, where the system used to
 14 transport such signals is not that of the seller;

15 (3) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced
 16 in accordance with section 144.111; provided, however, in the case of a sale of prepaid wireless
 17 calling service, the rule provided in subdivision (5) of subsection 2 of section 144.111 shall include
 18 as an option the location associated with the mobile telephone number;

19 (4) A sale of a private communication service is sourced as follows:

20 (a) Service for a separate charge related to a customer channel termination point is sourced
 21 to each level of jurisdiction in which such customer channel termination point is located;

22 (b) Service where all customer termination points are located entirely within one jurisdiction
 23 or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination
 24 points are located;

25 (c) Service for segments of a channel between two customer channel termination points
 26 located in different jurisdictions and which segments of a channel are separately charged is sourced
 27 fifty percent in each level of jurisdiction in which the customer channel termination points are
 28 located; and

29 (d) Service for segments of a channel located in more than one jurisdiction or levels of
 30 jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the
 31 percentage determined by dividing the number of customer channel termination points in such
 32 jurisdiction by the total number of customer channel termination points.

33 4. The sale of internet access service is sourced to the customer's place of primary use.

34 5. The sale of ancillary service is sourced to the customer's place of primary use.

35 144.123. 1. The director of revenue shall provide and maintain a database that describes
 36 boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and
 37 use tax purposes.

38 2. The director of revenue shall provide and maintain a database of all sales and use tax
 39 rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to
 40 the rates shall be provided according to Federal Information Processing Standards (FIPS) as
 41 developed by the National Institute of Standards and Technology. For the identification of all other
 42 jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

43 3. The director of revenue shall provide and maintain a database that assigns the proper tax
 44 rates and jurisdictions to each five- and nine-digit zip code within the state. The lowest combined
 45 tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any
 46 level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address
 47 or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code
 48 designation applicable to a transaction after exercising due diligence to determine the designation,
 49 the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section,

1 there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller
2 has attempted to determine the nine-digit zip code designation by utilizing software approved by the
3 governing board that makes this designation from the street address and five-digit zip code
4 applicable to a purchase.

5 4. The director of revenue may provide address-based boundary database records for
6 assigning taxing jurisdictions and associated rates that shall be in addition to the requirements of
7 subsection 3 of this section. The database records shall be in the same approved format as the
8 database records required under subsection 3 of this section and shall meet the requirements
9 developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If
10 the director develops address-based assignment database records under the agreement, sellers that
11 register under the agreement shall be required to use such database. A seller or CSP shall use such
12 database records in place of the five- and nine-digit zip code database records provided for in
13 subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and
14 jurisdiction using an address-based database record after exercising due diligence, the seller or CSP
15 may apply the nine-digit zip code designation applicable to a transaction. If a nine-digit zip code
16 designation is not available for a street address or if a seller or CSP is unable to determine the nine-
17 digit zip code designation applicable to a transaction after exercising due diligence to determine the
18 designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes
19 of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due
20 diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing
21 software approved by the director and makes the assignment from the address and zip code
22 information applicable to the transaction. If the director has met the requirements of subsection 3 of
23 this section, the director may also elect to certify vendor-provided address-based databases for
24 assigning tax rates and jurisdictions. The databases shall be in the same approved format as the
25 database records under this section and meet the requirements developed under the federal Mobile
26 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the director certifies a vendor-
27 provided address-based database, a seller or CSP may use such database in place of the database
28 provided for in this subsection.

29 5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be
30 in downloadable format as determined by the director of revenue. The databases may be directly
31 provided by the director or provided by a vendor as designated by the director. A database provided
32 by a vendor as designated by the director shall be applicable and subject to the provisions of section
33 144.124 and this section. The databases shall be provided at no cost to the user of the database. The
34 provisions of subsections 3 and 4 of this section shall not apply if the purchased product is received
35 by the purchaser at the business location of the seller.

36 6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director
37 of revenue on tax rates, boundaries, or taxing jurisdiction assignments.

38 144.124. 1. The director of revenue shall complete a taxability matrix. The state's entries in
39 the matrix shall be provided and maintained by the director in a database that is in a downloadable
40 format.

41 2. The director of revenue shall provide reasonable notice of changes in the taxability of the
42 products or services listed in the taxability matrix.

43 3. A seller or certified service provider (CSP) shall be relieved from liability to this state or
44 any local taxing jurisdiction for having charged and collected the incorrect amount of state or local
45 sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the
46 director of revenue in the taxability matrix.

47 144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a
48 seller who registers to pay or to collect and remit applicable sales or use tax on sales made to
49 purchasers in this state in accordance with the terms of the agreement, provided that the seller was

1 not so registered in this state in the twelve-month period preceding the effective date of this state's
 2 participation in the agreement.

3 (2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together
 4 with penalty or interest for sales made during the period the seller was not registered in this state,
 5 provided registration occurs within twelve months of the effective date of this state's participation in
 6 the agreement.

7 (3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

8 2. Amnesty shall not be available to a seller with respect to any matter or matters for which
 9 the seller received notice of the commencement of an audit and for which audit is not yet finally
 10 resolved, including any related administrative and judicial processes. The amnesty shall not be
 11 available for sales or use taxes already paid or remitted to this state or to taxes collected by the
 12 seller.

13 3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or
 14 intentional misrepresentation of a material fact, as long as the seller continues registration and
 15 payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-
 16 six months. The statute of limitations applicable to asserting a tax liability during this thirty-six-
 17 month period shall be tolled.

18 4. Amnesty provided under this section shall be applicable only to sales or use taxes due
 19 from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity
 20 as a purchaser.

21 5. The provisions of this section shall become effective as of the date that the state joins and
 22 becomes a member state of the agreement.

23 6. Under section 23.253 of the Missouri sunset act:

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

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

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

30 144.140. 1. From every remittance to the director of revenue made on or before the date
 31 when the same becomes due, the person required to remit the same shall be entitled to deduct and
 32 retain an amount equal to two percent thereof.

33 2. If the director of revenue enters into the streamlined sales and use tax agreement under
 34 section 32.070, the director shall provide a monetary allowance from the taxes collected to each of
 35 the following:

36 (1) A certified service provider, in accordance with the agreement and under the terms of the
 37 contract signed with the provider, provided that such allowance shall not exceed two percent of the
 38 amount collected;

39 (2) Any vendor registered under the agreement that selects a certified automated system to
 40 perform part of its sales or use tax functions; and

41 (3) Any vendor registered under the agreement that uses a proprietary system to calculate
 42 taxes due and has entered into a performance agreement with states that are members of the
 43 streamlined sales and use tax agreement.

44 3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of
 45 this section shall be in an amount equal to two percent of the taxes collected.

46 4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled
 47 simultaneously to deduct the allowance provided for in subsection 1 of this section.

48 144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake
 49 on the part of the director of revenue, such fact shall be set forth in the records of the director of

1 revenue, and the amount of the overpayment shall be credited on any taxes then due from the person
2 legally obligated to remit the tax ~~[pursuant to sections 144.010 to 144.525]~~ under this chapter, and
3 the balance shall be refunded to the person legally obligated to remit the tax, such person's
4 administrators or executors, as provided for in section 144.200.

5 2. If any tax, penalty or interest has been paid more than once, or has been erroneously or
6 illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any
7 taxes then due from the person legally obligated to remit the tax ~~[pursuant to sections 144.010 to~~
8 ~~144.525]~~ under this chapter, and the balance, with interest as determined ~~[by]~~ under section 32.065,
9 shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall
10 be allowed unless duplicate copies of a claim for refund are filed within three years from date of
11 overpayment.

12 3. Every claim for refund must be in writing and signed by the applicant, and must state the
13 specific grounds upon which the claim is founded. Any refund or any portion thereof which is
14 erroneously made, and any credit or any portion thereof which is erroneously allowed, may be
15 recovered in any action brought by the director of revenue against the person legally obligated to
16 remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to
17 remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's
18 record.

19 4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or
20 use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such
21 sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be
22 refunded more than once, any such claim shall be subject to any offset, defense, or other claim the
23 director otherwise would have against either the purchaser or vendor or seller, and such claim for
24 refund is accompanied by either:

25 (1) A notarized assignment of rights statement by the vendor or seller to the purchaser
26 allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights
27 statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a
28 list of the transactions covered by the assignment, the tax periods and location for which the original
29 sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed
30 by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not
31 apply for a refund or credit of the tax collected on any transactions covered by the assignment, and
32 authorizes the director to amend the seller's return to reflect the refund; or

33 (2) In the event the vendor or seller fails or refuses to provide an assignment of rights
34 statement within sixty days from the date of such purchaser's written request to the vendor or seller,
35 or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in
36 business, the purchaser may provide the director a notarized statement confirming the efforts that
37 have been made to obtain an assignment of rights from the vendor or seller. Such statement shall
38 contain a list of the transactions covered by the assignment, the tax periods and location for which
39 the original sale was reported to the director of revenue by the vendor or seller.

40
41 The director shall not require such vendor, seller, or purchaser to submit amended returns for refund
42 claims submitted under the provisions of this subsection. Notwithstanding the provisions of section
43 32.057, if the seller is registered with the director for collection and remittance of sales tax, the
44 director shall notify the seller at the seller's last known address of the claim for refund. If the seller
45 objects to the refund within thirty days of the date of the notice, the director shall not pay the refund.
46 If the seller agrees that the refund is warranted or fails to respond within thirty days, the director
47 may issue the refund and amend the seller's return to reflect the refund. For purposes of section
48 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the
49 refund is warranted or thirty days after the date the director notified the seller and the seller failed to

1 respond.

2 5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on
3 behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the
4 reason for the denial shall be sent by the director to the vendor and each purchaser whose name and
5 address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to
6 appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by
7 the director as provided in section 144.261. The provisions of this subsection shall apply to all
8 refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to
9 appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by
10 the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the
11 purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the
12 exemption of the electronic transmission or delivery of computer software.

13 6. Notwithstanding the provisions of this section, the director of revenue shall authorize
14 direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty
15 thousand dollars ~~[pursuant to]~~ under rules and regulations adopted by the director of revenue. For
16 the purposes of such direct-pay agreements, the taxes authorized ~~[pursuant to]~~ under chapters 66, 67,
17 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of
18 business of the purchaser.

19 7. Special rules applicable to error corrections requested by customers of mobile
20 telecommunications service are as follows:

21 (1) For purposes of this subsection, the terms "customer", "home service provider", "place
22 of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as
23 defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section
24 144.013;

25 (2) Notwithstanding the provisions of this section, if a customer of mobile
26 telecommunications services believes that the amount of tax, the assignment of place of primary use
27 or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home
28 service provider, in writing, within three years from the date of the billing statement. The customer
29 shall include in such written notification the street address for the customer's place of primary use,
30 the account name and number for which the customer seeks a correction of the tax assignment, a
31 description of the error asserted by the customer and any other information the home service
32 provider reasonably requires to process the request;

33 (3) Within sixty days of receiving the customer's notice, the home service provider shall
34 review its records and the electronic database or enhanced zip code to determine the customer's
35 correct taxing jurisdiction. If the home service provider determines that the review shows that the
36 amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service
37 provider shall correct the error and, at its election, either refund or credit the amount of tax
38 erroneously collected to the customer for a period of up to three years from the last day of the home
39 service provider's sixty-day review period. If the home service provider determines that the review
40 shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is
41 correct, the home service provider shall provide a written explanation of its determination to the
42 customer.

43 8. For all refund claims submitted to the department of revenue on or after September 1,
44 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to
45 remit the tax levied ~~[pursuant to sections 144.010 to 144.525]~~ under this chapter has received a
46 refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on
47 the same issue for a tax period beginning on or after the date the original refund check issued to
48 such person, no refund shall be allowed. This subsection shall not apply and a refund shall be
49 allowed if the refund claim is filed by a purchaser under the provisions of subsection 4 of this

1 section, the refund claim is for use tax remitted by the purchaser, or an additional refund claim is
 2 filed by a person legally obligated to remit the tax due to any of the following:

3 (1) Receipt of additional information or an exemption certificate from the purchaser of the
 4 item at issue;

5 (2) A decision of a court of competent jurisdiction or the administrative hearing
 6 commission; or

7 (3) Changes in regulations or policy by the department of revenue.

8 9. Notwithstanding any provision of law to the contrary, the director of revenue shall
 9 respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty
 10 days of receipt of such request. If the director of revenue fails to respond to such letter ruling
 11 request within sixty days of receipt by the director, the director of revenue shall be barred from
 12 pursuing collection of any assessment of sales or use tax with respect to the issue which is the
 13 subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a
 14 written interpretation of law by the director to a specific set of facts provided by a specific taxpayer
 15 or his or her agent.

16 10. If any tax was paid more than once, was incorrectly collected, or was incorrectly
 17 computed, such sum shall be credited on any taxes then due from the person legally obligated to
 18 remit the tax ~~[pursuant to]~~ under sections 144.010 to 144.510 against any deficiency or tax due
 19 discovered through an audit of the person by the department of revenue through adjustment during
 20 the same tax filing period for which the audit applied.

21 11. A cause of action against the seller by a purchaser for a tax erroneously or illegally
 22 collected under this chapter does not accrue until a purchaser has provided written notice to a seller
 23 and the seller has had sixty days to respond. Such notice to the seller shall contain the information
 24 necessary to determine the validity of the request. A seller shall be presumed to have a reasonable
 25 business practice if, in the collection of such tax, the seller uses a provider or a system certified by
 26 the director and has remitted to the state all tax collected less any deductions, credits, or allowances.

27 144.210. 1. The burden of proving that a sale of tangible personal property, services,
 28 substances or things was not a sale at retail shall be upon the person who made the sale, except that
 29 with respect to sales, services, or transactions provided for in section 144.070. ~~[The seller shall~~
 30 ~~obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any~~
 31 ~~exempt sales claimed; provided, however, that before any administrative tribunal of this state, a~~
 32 ~~seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible~~
 33 ~~under the applicable rules of evidence; except that when a purchaser has purchased tangible~~
 34 ~~personal property or services sales tax free under a claim of exemption which is found to be~~
 35 ~~improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and~~
 36 ~~penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the~~
 37 ~~director from the purchaser shall be credited against the amount otherwise due from the seller on the~~
 38 ~~purchases or sales where the exemption was claimed.]~~

39 2. If the director of revenue is not satisfied with the return and payment of the tax made by
 40 any person, he is hereby authorized and empowered to make an additional assessment of tax due
 41 from such person, based upon the facts contained in the return or upon any information within his
 42 possession or that shall come into his possession.

43 3. The director of revenue shall give to the person written notice of such additional or
 44 revised assessment by certified or registered mail to the person at his or its last known address.

45 144.212. 1. In addition to all other provisions of law provided for exemptions, if an
 46 exemption is claimed by a purchaser:

47 (1) The seller shall obtain identifying information of the purchaser and the reason for
 48 claiming a tax exemption at the time of the purchase;

49 (2) A purchaser shall not be required to provide a signature to claim an exemption from tax

1 unless a paper exemption certificate is used;

2 (3) The seller shall use the standard form for claiming an exemption electronically
 3 prescribed by the director of revenue and acceptable to the streamlined sales and use tax governing
 4 board;

5 (4) The seller shall obtain the same information for proof of a claimed exemption regardless
 6 of the medium in which the transaction occurred;

7 (5) The seller shall maintain proper records of exempt transactions and provide such records
 8 to the director of revenue or the director's designee upon request; and

9 (6) In the case of drop shipment sales, a third-party vendor such as a drop shipper may claim
 10 a resale exemption based on an exemption certificate provided by its customer or any other
 11 acceptable information available to the third-party vendor evidencing qualification for a resale
 12 exemption, regardless of whether the customer is registered to collect and remit sales and use tax in
 13 the state where the sale is sourced.

14 2. Sellers that comply with the requirements of this section shall be relieved from collecting
 15 and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an
 16 exemption, and such purchaser shall be liable for the nonpayment of tax. Relief from liability
 17 provided under this section shall not apply to a seller who fraudulently fails to collect tax, to a seller
 18 who solicits purchasers to participate in the unlawful claim of an exemption, to a seller who accepts
 19 an exemption certificate if the purchaser claims an entity-based exemption if the subject of the
 20 transaction sought to be covered by the exemption certificate is actually received by the purchaser at
 21 a location operated by the seller and the state in which that location resides provides an exemption
 22 certificate that clearly and affirmatively indicates that the claimed exemption is not available in such
 23 state, or to a seller who accepts an exemption certificate claiming multiple points of use for tangible
 24 personal property other than computer software for which an exemption claiming multiple points of
 25 use:

26 (1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the
 27 seller obtains a fully completed exemption certificate or captures the relevant data elements required
 28 under the agreement within ninety days subsequent to the date of sale; and

29 (2) If a seller fails to obtain an exemption certificate or all relevant data elements as
 30 provided in this section, the seller may, within one hundred twenty days subsequent to a request for
 31 substantiation by the director of revenue or the director's designee, either prove that the transaction
 32 was not subject to tax by other means or obtain a fully completed exemption certificate from the
 33 purchaser, taken in good faith.

34 3. Nothing in this section shall affect the ability of the director of revenue or the director's
 35 designee to require purchasers to update exemption certificate information or to reapply with the
 36 state to claim certain exemptions.

37 4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director
 38 shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption
 39 certificate for a purchaser with which the seller has a recurring business relationship. The director
 40 shall not request from the seller renewal of blanket certificates or updates of exemption certificate
 41 information or data elements if there is a recurring business relationship between the buyer and
 42 seller. For purposes of this section, a recurring business relation exists if a period of no more than
 43 twelve months elapses between sales transactions.

44 144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect
 45 the amount required to be reported and remitted, but not to change the requirements of reporting or
 46 remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director
 47 of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified
 48 amounts, which shall be applicable to all taxable transactions] When a seller is computing the
 49 amount of tax owed by the purchaser and remitted to the state:

1 (1) Tax computation shall be carried to the third decimal place; and

2 (2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent
3 if the third decimal place is greater than four.

4 2. ~~[In all instances where statements covering taxable purchases are rendered to the taxpayer~~
5 ~~on a monthly or other periodic basis, the amount of tax shall be determined by applying the~~
6 ~~applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest~~
7 ~~whole cent, or by application of the brackets established by the director of revenue, at the option of~~
8 ~~the retail vendor.] Sellers may elect to compute the tax due on a transaction on an item or an invoice~~
9 ~~basis. The provision of this subsection may be applied to the aggregated state and local taxes.~~

10 3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any
11 sum in excess of the sums provided for in this section.

12 4. ~~[A vendor may, at his option, determine the amount charged to and received from each~~
13 ~~purchaser by use of a formula which applies the applicable tax rate to each taxable purchase,~~
14 ~~rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all~~
15 ~~purchases similarly situated.~~

16 ~~5.]~~ Amounts which a vendor charges to and receives from the purchaser in accordance with
17 this section shall not be includable in ~~[his]~~ the vendor's gross receipts if the amounts are separately
18 charged or stated.

19 ~~[6.]~~ 5. If sales tax for one or more local political subdivisions is owed by a taxpayer
20 ~~[pursuant to]~~ under chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a
21 filing period specified in section 144.080, the director of revenue shall deposit the tax remitted
22 proportionately to each taxing jurisdiction in accordance with the percentage that each such
23 jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer
24 for such period. The unpaid balance due along with penalties and interest shall be similarly prorated
25 among the state and all local jurisdictions for which tax was due during the filing period for which
26 an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances
27 relating to sales made on or after January 1, 1984.

28 144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax
29 Holiday".

30 2. ~~[For purposes of this section, the following terms mean:~~

31 ~~———(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers,~~
32 ~~conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and~~

33 ~~———(2) "Energy star certified", any appliance approved by both the United States Environmental~~
34 ~~Protection Agency and the United States Department of Energy as eligible to display the energy star~~
35 ~~label, as amended from time to time.~~

36 ~~———3.]~~ In each year beginning on or after January 1, 2009, there is hereby specifically exempted
37 from state and local sales tax law all retail sales of any ~~[energy star certified]~~ new appliance that is
38 an Energy Star qualified product, up to one thousand five hundred dollars per appliance, during a
39 seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April
40 twenty-fifth. Where a purchaser and seller are located in two different time zones, the time zone of
41 the seller's location shall determine the authorized exemption period.

42 ~~[4. A political subdivision may allow the sales tax holiday under this section to apply to its~~
43 ~~local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify~~
44 ~~the department of revenue not less than forty-five calendar days prior to the beginning date of the~~
45 ~~sales tax holiday occurring in that year of any such ordinance or order.~~

46 ~~———5.~~ This section may not apply to any retailer when less than two percent of the retailer's
47 merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax
48 refund in lieu of the sales tax holiday.]

49 3. A sale of property which is eligible for an exemption under subsection 1 of this section

1 but is purchased under a layaway sale shall only qualify for an exemption if:

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

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

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

9 5. (1) For any discount offered by a seller that is a reduction of the sales price of the
10 product, the discounted sales price shall determine whether the sales price falls below the price
11 threshold provided in subsection 1 of this section. A coupon that reduces the sales price shall be
12 treated as a discount only if the seller is not reimbursed for the coupon amount by a third party.

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

17 6. Items that are normally sold as a single unit shall continue to be sold in that manner and
18 shall not be priced separately and sold as individual items.

19 7. Items that are purchased during an exemption period but that are not delivered to the
20 purchaser until after the exemption period due to the item not being in stock shall qualify for an
21 exemption. The provisions of this subsection shall not apply to an item that was delivered during an
22 exemption period but was purchased prior to or after the exemption period.

23 8. (1) If a purchaser purchases an item of eligible property during an exemption period but
24 later exchanges the item for a similar eligible item after the exemption period, no additional tax shall
25 be due on the new item.

26 (2) If a purchaser purchases an item of eligible property during an exemption period but
27 later returns the item after the exemption period and receives credit on the purchase of a different
28 nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

29 (3) If a purchaser purchases an item of eligible property before an exemption period but
30 during the exemption period returns the item and receives credit on the purchase of a different item
31 of eligible property, no sales tax shall be due on the sale of the new item if the new item is
32 purchased during the exemption period.

33 (4) For a sixty-day period immediately following the end of the exemption period, if a
34 purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the
35 purchaser provides a receipt or invoice that shows tax was paid, or the seller has sufficient
36 documentation to show that tax was paid on the item being returned.

37 9. For items that require delivery, an item shall be considered exempt if:

38 (1) The item is both delivered to and paid for by the purchaser during the exemption period;

39 or

40 (2) The purchaser orders and pays for the item and the seller accepts the order during the
41 exemption period for immediate shipment, even if delivery is made after the exemption period. For
42 the purposes of this subdivision, a seller shall be considered to have accepted an order when the
43 seller has taken action to fill the order for immediate shipment. Actions to fill an order shall include
44 placement of an "in date" stamp on a mail order or the assignment of an "order number" to a
45 telephone order. An order shall be considered for immediate shipment when the purchaser does not
46 request delayed shipment. An order shall be considered for immediate shipment notwithstanding a
47 shipment that may be delayed because of a backlog of orders or because an item is currently
48 unavailable or on back order.

49 144.560. 1. For the purposes of this section, the following terms shall mean:

1 (1) "Marketplace facilitator", a person that contracts with sellers to facilitate for
 2 consideration, regardless of whether deducted as fees from the transaction, the sale of the seller's
 3 products through an electronic marketplace operated by a person, and engages:

4 (a) Either directly or indirectly, through one or more affiliated persons, in any of the
 5 following:

6 a. Transmitting or otherwise communicating the offer or acceptance between the purchaser
 7 and marketplace seller;

8 b. Owning or operating the infrastructure, electronic or physical, or technology that brings
 9 purchasers and marketplace sellers together;

10 c. Providing a virtual currency that purchasers are allowed or required to use to purchase
 11 products from the marketplace seller; or

12 d. Software development or research and development activities related to any of the
 13 activities described in paragraph (b) of this subdivision if such activities are directly related to an
 14 electronic marketplace operated by a person or an affiliated person; and

15 (b) In any of the following activities with respect to the marketplace seller's products:

16 a. Payment processing services;

17 b. Fulfillment or storage services;

18 c. Listing products for sale;

19 d. Setting prices;

20 e. Branding sales as those of the marketplace facilitator;

21 f. Order taking;

22 g. Advertising or promotion; or

23 h. Providing customer service or accepting or assisting with returns or exchanges;

24
 25 A marketplace facilitator is a seller and shall comply with this chapter.

26 (2) "Marketplace seller", a seller that makes sales through any electronic marketplace
 27 operated by a marketplace facilitator;

28 (3) "Person", any individual, firm, copartnership, joint venture, association, corporation,
 29 municipal or private, whether organized for profit or not, state, county, political subdivision, state
 30 department, commission, board, bureau or agency, except the department of transportation, estate,
 31 trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any
 32 other group or combination acting as a unit;

33 (4) "Purchaser", any person who is the recipient for a valuable consideration of any sale of
 34 tangible personal property acquired for use, storage, or consumption in this state;

35 (5) "Qualifying amount", one hundred thousand dollars or an amount as otherwise
 36 prescribed by the department;

37 (6) "Retail sale", as defined in section 144.011, excluding motor vehicles, trailers,
 38 motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the
 39 laws of the state and subject to tax under subdivision (9) of subsection 1 of section 144.020;

40 (7) "Seller", a person selling or furnishing tangible personal property or rendering services
 41 on the receipts from which a tax is imposed under section 144.020.

42 2. By no later than January 1, 2020, marketplace facilitators that reach the threshold in
 43 subsection 4 of section 144.021 shall register with the department to collect and remit sales tax on
 44 sales made through the marketplace facilitator's marketplace by or on behalf of a marketplace seller
 45 that are delivered in the state, whether by the marketplace facilitator or another person. Such retail
 46 sales shall include those made directly by the marketplace facilitator and shall also include those
 47 retail sales made by marketplace sellers through the marketplace facilitator's marketplace. The
 48 collection and reporting requirements of this subsection shall not apply to retail sales other than
 49 those made through a marketplace facilitator's marketplace.

1 3. Marketplace facilitators that collect sales tax under this section may report and remit the
2 tax in accordance with the provisions of sections 144.530 to 144.555 and shall maintain records of
3 all sales delivered to a location in the state, including copies of invoices showing the purchaser,
4 address, purchase amount, and sales tax collected. Such records shall be made available for review
5 and inspection upon request by the department.

6 4. Marketplace facilitators who properly collect and then remit to the department in a timely
7 manner sales tax on sales in accordance with the provisions of this section by or on behalf of
8 marketplace sellers shall be eligible for any discount provided under this chapter.

9 5. The marketplace facilitator shall provide the purchaser with a statement or invoice
10 showing that the sales tax was collected and shall be remitted on the purchaser's behalf.

11 6. Any taxpayer who remits sales tax under this section shall be entitled to refunds or credits
12 to the same extent and in the same manner provided for in section 144.190 for taxes collected and
13 remitted through this section.

14 7. Marketplace facilitators shall be subject to the penalty provisions, procedures, and
15 reporting requirements of this chapter.

16 8. The distribution of the sales tax remitted by marketplace facilitators shall be made in
17 accordance with the provisions of this chapter.

18 144.600. 1. This law may be cited as the "Compensating Use Tax Law".

19 2. All provisions in sections 144.010 to 144.527 with respect to sales into this state by out-
20 of-state sellers shall apply to the compensating use tax law.

21 144.612. 1. A vendor is required to register with the director under this chapter for the
22 collection and remittance of use tax if the vendor is engaged in business activities within this state.
23 For purposes of this chapter, "engaging in business activities within this state" includes:

24 (1) Maintaining or having a franchisee or licensee operating under the seller's trade name in
25 this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to
26 144.527; and

27 (2) Soliciting sales or taking orders by sales agents or traveling representatives.

28 2. A vendor is presumed to engage in business activities within this state if any person, other
29 than a common carrier acting in its capacity as such, that has substantial nexus with this state:

30 (1) Sells a similar line of products as the vendor and does so under the same or a similar
31 business name;

32 (2) Maintains an office, distribution facility, warehouse, or storage place, or similar place of
33 business in the state to facilitate the delivery of property or services sold by the vendor to the
34 vendor's customers;

35 (3) Delivers, installs, assembles, or performs maintenance services for the vendor's
36 customers within the state;

37 (4) Facilitates the vendor's delivery of property to customers in the state by allowing the
38 vendor's customers to pick up property sold by the vendor at an office, distribution facility,
39 warehouse, storage place, or similar place of business maintained by the person in the state; or

40 (5) Conducts any other activities in the state that are significantly associated with the
41 vendor's ability to establish and maintain a market in the state for the sales;

42 3. The presumption in subsection 2 may be rebutted by demonstrating that the person's
43 activities in the state are not significantly associated with the vendor's ability to establish or
44 maintain a market in this state for the vendor's sales;

45 4. Notwithstanding subsection 2, a vendor shall be presumed to engage in business activities
46 within this state if the vendor enters into an agreement with one or more residents of this state under
47 which the resident, for a commission or other consideration, directly or indirectly refers potential
48 customers, whether by a link on an internet website, an in-person oral presentation, telemarketing,
49 or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in

1 the state who are referred to the vendor by all residents with this type of an agreement with the
 2 vendor is in excess of ten thousand dollars during the preceding twelve months; and

3 5. The presumption in subsection 4 may be rebutted by submitting proof that the residents
 4 with whom the vendor has an agreement did not engage in any activity within the state that was
 5 significantly associated with the vendor's ability to establish or maintain the vendor's market in the
 6 state during the preceding twelve months. Such proof may consist of sworn written statements from
 7 all of the residents with whom the vendor has an agreement stating that they did not engage in any
 8 solicitation in the state on behalf of the vendor during the preceding year, provided that such
 9 statements were provided and obtained in good faith.

10 144.655. 1. Every vendor, on or before the last day of the month following each calendar
 11 quarterly period of three months, shall file with the director of revenue a return of all taxes collected
 12 for the preceding quarter in the form prescribed by the director of revenue, showing the total sales
 13 price of the tangible personal property sold by the vendor, the storage, use or consumption of which
 14 is subject to the tax levied by this law, and other information the director of revenue deems
 15 necessary. The return shall be accompanied by a remittance of the amount of the tax required to be
 16 collected by the vendor during the period covered by the return. Returns shall be signed by the
 17 vendor or the vendor's authorized agent. The director of revenue may promulgate rules or
 18 regulations changing the filing and payment requirements of vendors, but shall not require any
 19 vendor to file and pay more frequently than required in this section.

20 2. Where the aggregate amount of tax required to be collected by a vendor is in excess of
 21 two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor
 22 shall pay such aggregate amount for such months to the director of revenue by the twentieth day of
 23 the succeeding month. The amount so paid shall be allowed as a credit against the liability shown
 24 on the vendor's quarterly return required by this section.

25 3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-
 26 five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file
 27 a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-
 28 first of the succeeding year.

29 4. Except as provided in subsection 5 of this section, every person purchasing tangible
 30 personal property, the storage, use or consumption of which is subject to the tax levied by sections
 31 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the
 32 provisions of section 144.650, shall file with the director of revenue a return for the preceding
 33 reporting period in the form and manner that the director of revenue prescribes, showing the total
 34 sales price of the tangible property purchased during the preceding reporting period and any other
 35 information that the director of revenue deems necessary for the proper administration of sections
 36 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax
 37 required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the
 38 person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the
 39 reporting period shall be determined by the director of revenue and may be a calendar quarter or a
 40 calendar year. Annual returns and payments required by the director [~~pursuant to~~] under this
 41 subsection shall be due on or before April fifteenth of the year for the preceding calendar year and
 42 quarterly returns and payments shall be due on or before the last day of the month following each
 43 calendar period of three months. Upon the taxpayer's request, the director may allow the filing of
 44 such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and
 45 payment, such return and payment shall be due on or before the twentieth day of the succeeding
 46 month.

47 5. Any person purchasing tangible personal property subject to the taxes imposed by
 48 sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue
 49 if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand

1 dollars in any calendar year.

2 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax
3 imposed ~~[pursuant to]~~ under sections 144.600 to 144.748 on the total gross receipts of all sales of
4 tangible personal property used, stored or consumed in this state and to remit all taxes collected to
5 the director of revenue in accordance with the provisions of this section nor shall it relieve a
6 purchaser from paying such taxes to a vendor registered in accordance with the provisions of section
7 144.650.

8 7. Any out-of-state seller that is not legally required to register for use tax in this state but
9 chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the
10 calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the
11 succeeding year.

12 144.710. ~~[From every remittance made by a vendor as required by sections 144.600 to~~
13 ~~144.745 to the director of revenue on or before the date when the remittance becomes due, the~~
14 ~~vendor may deduct and retain an amount equal to two percent thereof]~~ Section 144.140, pertaining
15 to the allowance for timely remittance of payment, is applicable to the tax levied by this law.

16 144.759. 1. All local use taxes collected by the director of revenue ~~[pursuant to]~~ under
17 sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of
18 collection, which shall be deposited in the state's general revenue fund after payment of premiums
19 for surety bonds as provided ~~[in]~~ under section 32.087 shall be deposited with the state treasurer in a
20 local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds.
21 The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be
22 commingled with any funds of the state. The director of revenue shall keep accurate records of the
23 amount of money in the trust fund which was collected in each county or municipality imposing a
24 local use tax, and the records shall be open to the inspection of officers of the county or municipality
25 and to the public. No later than the tenth day of each month, the director of revenue shall distribute
26 all moneys deposited in the trust fund during the preceding month, except as provided in subsection
27 2 of this section, to the county or municipality treasurer, or such other officer as may be designated
28 by the county or municipality ordinance or order, of each county or municipality imposing the tax
29 authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by
30 the director of revenue.

31 2. The director of revenue shall distribute all moneys which would be due any county
32 having a charter form of government and having a population of nine hundred thousand or more to
33 the county treasurer or such other officer as may be designated by county ordinance, who shall
34 distribute such moneys as follows: the portion of the use tax imposed by the county which equals
35 one-half the rate of sales tax in effect for such county shall be disbursed to the county treasurer for
36 expenditure throughout the county for public safety, parks, and job creation, subject to any
37 qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an
38 audited comprehensive financial report detailing the management and use of such funds each year.
39 Such ordinance shall also require that the county and the municipal league of the county jointly
40 prepare a strategy to guide expenditures of funds and conduct an annual review of the strategy. The
41 treasurer or such other officer as may be designated by county ordinance shall distribute one-third of
42 the balance to the county and to each city, town and village in group B according to section 66.620
43 as modified by this section, a portion of the two-thirds remainder of such balance equal to the
44 percentage ratio that the population of each such city, town or village bears to the total population of
45 all such group B cities, towns and villages. For the purposes of this subsection, population shall be
46 determined by the last federal decennial census or the latest census that determines the total
47 population of the county and all political subdivisions therein. For the purposes of this subsection,
48 each city, town or village in group A according to section 66.620 but whose per capita sales tax
49 receipts during the preceding calendar year ~~[pursuant to]~~ under sections 66.600 to 66.630 were less

1 than the per capita countywide average of all sales tax receipts during the preceding calendar year,
 2 shall be treated as a group B city, town or village until the per capita amount distributed to such city,
 3 town or village equals the difference between the per capita sales tax receipts during the preceding
 4 calendar year and the per capita countywide average of all sales tax receipts during the preceding
 5 calendar year.

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

20 4. Except as modified [~~in~~] under sections 144.757 to 144.761, all provisions of sections
 21 32.085 [~~and~~] to 32.087 applicable to the local sales tax, except for subsection 12 of section 32.087,
 22 and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed [~~pursuant to~~] under
 23 sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the
 24 administration, collection, enforcement, and operation of the tax.

25 144.761. 1. No county or municipality imposing a local use tax [~~pursuant to~~] under sections
 26 144.757 to 144.761 may repeal or amend such local use tax unless such repeal or amendment is
 27 submitted to and approved by the voters of the county or municipality in the manner provided in
 28 section 144.757; provided, however, that the repeal of the local sales tax within the county or
 29 municipality shall be deemed to repeal the local use tax imposed [~~pursuant to~~] under sections
 30 144.757 to 144.761.

31 2. Whenever the governing body of any county or municipality in which a local use tax has
 32 been imposed in the manner provided by sections 144.757 to 144.761 receives a petition, signed by
 33 fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial
 34 election, calling for an election to repeal such local use tax, the governing body shall submit to the
 35 voters of such county or municipality a proposal to repeal the county or municipality use tax
 36 imposed [~~pursuant to~~] under sections 144.757 to 144.761. If a majority of the votes cast on the
 37 proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use
 38 tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is
 39 repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the
 40 proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along
 41 with any amendments thereto, shall remain in effect. Subsection 19 of section 32.087 shall apply to
 42 such repeal of the tax authorized under sections 144.757 to 144.761.

43 184.845. 1. The board of the district may impose a museum and cultural district sales tax by
 44 resolution on all retail sales made in such museum and cultural district which are [~~subject to taxation~~
 45 ~~pursuant to the provisions of sections 144.010 to 144.525~~] sales tax under chapter 144. Such
 46 museum and cultural district sales tax may be imposed for any museum or cultural purpose
 47 designated by the board of the museum and cultural district. If the resolution is adopted the board of
 48 the district may submit the question of whether to impose a sales tax authorized by this section to
 49 the qualified voters, who shall have the same voting interests as with the election of members of the

1 board of the district.

2 2. The sales tax authorized by this section shall become effective ~~[on the first day of the~~
3 ~~second calendar quarter following adoption of the tax by the board or qualified voters]~~ as provided
4 in subsection 19 of section 32.087, if the board elects to submit the question of whether to impose a
5 sales tax to the qualified voters.

6 3. In each museum and cultural district in which a sales tax has been imposed in the manner
7 provided by this section, every retailer shall add the tax imposed by the museum and cultural district
8 ~~[pursuant to]~~ under this section to the retailer's sale price, and when so added such tax shall
9 constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be
10 recoverable at law in the same manner as the purchase price.

11 4. In order to permit sellers required to collect and report the sales tax authorized by this
12 section to collect the amount required to be reported and remitted, but not to change the
13 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
14 fractions of pennies, the ~~[museum and cultural district may establish appropriate brackets which~~
15 ~~shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided~~
16 ~~in]~~ tax shall be calculated as authorized under the provisions of section 144.285.

17 5. All revenue received by a museum and cultural district from the tax authorized by this
18 section which has been designated for a certain museum or cultural purpose shall be deposited in a
19 special trust fund and shall be used solely for such designated purpose. All funds remaining in the
20 special trust fund shall continue to be used solely for such designated museum or cultural purpose.
21 Any funds in such special trust fund which are not needed for current expenditures may be invested
22 by the board of directors in accordance with applicable laws relating to the investment of other
23 museum or cultural district funds.

24 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one
25 percent or one percent on the receipts from the sale at retail of all tangible personal property or
26 taxable services at retail within the museum and cultural district adopting such tax, if such property
27 and services are subject to taxation by ~~[the state of Missouri pursuant to the provisions of sections~~
28 ~~144.010 to 144.525]~~ this state under chapter 144. Any museum and cultural district sales tax
29 imposed ~~[pursuant to]~~ under this section shall be imposed at a rate that shall be uniform throughout
30 the district.

31 7. On and after the effective date of any tax imposed ~~[pursuant to]~~ under this section, the
32 ~~[museum and cultural district]~~ director of revenue shall perform all functions incident to the
33 administration, collection, enforcement, and operation of the tax. The tax imposed ~~[pursuant to]~~
34 under this section shall be collected and reported upon such forms and under such administrative
35 rules and regulations as may be prescribed by the ~~[museum and cultural district]~~ director of revenue.

36 8. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ chapter 144
37 governing the state sales tax, sections 32.085 ~~[and]~~ to 32.087, and section 32.057, the uniform
38 confidentiality provision, shall apply to the collection of the tax imposed by this section, except as
39 modified in this section. All revenue collected under this section by the director of the department of
40 revenue on behalf of the museum and cultural districts ~~[, except for one percent for the cost of~~
41 ~~collection which shall be deposited in the state's general revenue fund,]~~ shall be deposited in a
42 special trust fund, which is hereby created and shall be known as the "Missouri Museum Cultural
43 District Tax Fund", and shall be used solely for such designated purpose. ~~[Moneys in the fund shall~~
44 ~~not be deemed to be state funds, and shall not be commingled with any funds of the state.]~~ The
45 director may make refunds from the amounts in the fund and credited to the district for erroneous
46 payments and overpayments made, and may redeem dishonored checks and drafts deposited to the
47 credit of such county.

48 9. All exemptions granted to agencies of government, organizations, persons and to the sale
49 of certain articles and items of tangible personal property and taxable services ~~[pursuant to the~~

1 ~~provisions of sections 144.010 to 144.525]~~ under chapter 144 are hereby made applicable to the
2 imposition and collection of the tax imposed by this section.

3 10. The same sales tax permit, exemption certificate and retail certificate required [~~by~~
4 ~~sections 144.010 to 144.525]~~ under chapter 144 for the administration and collection of the state
5 sales tax shall satisfy the requirements of this section, and no additional permit or exemption
6 certificate or retail certificate shall be required; except that the museum and cultural district may
7 prescribe a form of exemption certificate for an exemption from the tax imposed [~~by~~] under this
8 section.

9 11. The penalties provided in section 32.057 and [~~sections 144.010 to 144.525]~~ chapter 144
10 for violation of those sections are hereby made applicable to violations of this section.

11 12. [~~For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail~~
12 ~~sales except retail sales of motor vehicles shall be deemed to be consummated at the place of~~
13 ~~business of the retailer unless the tangible personal property sold is delivered by the retailer or the~~
14 ~~retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state~~
15 ~~destination. In the event a retailer has more than one place of business in this state which~~
16 ~~participates in the sale, the sale shall be deemed to be consummated at the place of business of the~~
17 ~~retailer where the initial order for the tangible personal property is taken, even though the order shall~~
18 ~~be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's~~
19 ~~employee shall be deemed to be consummated at the place of business from which the employee~~
20 ~~works.~~

21 ~~—13.]~~ All sales taxes collected by the museum and cultural district shall be deposited by the
22 museum and cultural district in a special fund to be expended for the purposes authorized in this
23 section. The museum and cultural district shall keep accurate records of the amount of money which
24 was collected [~~pursuant to~~] under this section, and the records shall be open to the inspection by the
25 officers and directors of each museum and cultural district and the Missouri department of revenue.
26 Tax returns filed by businesses within the district shall otherwise be considered as confidential in the
27 same manner as sales tax returns filed with the Missouri department of revenue.

28 [~~14.]~~ 13. No museum and cultural district imposing a sales tax [~~pursuant to~~] under this
29 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
30 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
31 revenue bonds, notes or other obligations which it has issued or which have been issued to finance
32 any project or projects.

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

35 221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in
36 the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or
37 one-half of one percent on all retail sales made in such region which are subject to taxation
38 [~~pursuant to the provisions of sections 144.010 to 144.525]~~ under chapter 144 for the purpose of
39 providing jail services and court facilities and equipment for such region. The tax authorized by this
40 section shall be in addition to any and all other sales taxes allowed by law, except that no order
41 imposing a sales tax [~~pursuant to~~] under this section shall be effective unless the commission
42 submits to the voters of the district, on any election date authorized in chapter 115, a proposal to
43 authorize the commission to impose a tax.

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

45 Shall the regional jail district of _____ (counties' names) impose a region-
46 wide sales tax of _____ (insert [~~amount~~] rate of percent) for the purpose of providing jail
47 services and court facilities and equipment for the region?

48 YES

NO

49

1 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the
 2 question, place an "X" in the box opposite "No".
 3

4 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon
 5 are in favor of the proposal, then the order and any amendment to such order shall be in effect ~~on~~
 6 ~~the first day of the second quarter immediately following the election approving the proposal~~ as
 7 provided by subsection 19 of section 32.087. If the proposal receives less than the required
 8 majority, the commission shall have no power to impose the sales tax authorized ~~[pursuant to]~~ under
 9 this section unless and until the commission shall again have submitted another proposal to
 10 authorize the commission to impose the sales tax authorized by this section and such proposal is
 11 approved by the required majority of the qualified voters of the district voting on such proposal;
 12 however, in no event shall a proposal ~~[pursuant to]~~ under this section be submitted to the voters
 13 sooner than twelve months from the date of the last submission of a proposal ~~[pursuant to]~~ under
 14 this section.

15 3. All revenue received by a district from the tax authorized ~~[pursuant to]~~ under this section
 16 shall be deposited in a special trust fund and shall be used solely for providing jail services and court
 17 facilities and equipment for such district for so long as the tax shall remain in effect.

18 4. Once the tax authorized by this section is abolished or terminated by any means, all funds
 19 remaining in the special trust fund shall be used solely for providing jail services and court facilities
 20 and equipment for the district. Any funds in such special trust fund which are not needed for current
 21 expenditures may be invested by the commission in accordance with applicable laws relating to the
 22 investment of other county funds.

23 5. All sales taxes collected by the director of revenue ~~[pursuant to]~~ under this section on
 24 behalf of any district ~~], less one percent for cost of collection which shall be deposited in the state's~~
 25 ~~general revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~
 26 shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail
 27 District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not
 28 be deemed to be state funds and shall not be commingled with any funds of the state. The director
 29 of revenue shall keep accurate records of the amount of money in the trust fund which was collected
 30 in each district imposing a sales tax ~~[pursuant to]~~ under this section, and the records shall be open to
 31 the inspection of officers of each member county and the public. Not later than the tenth day of
 32 each month the director of revenue shall distribute all moneys deposited in the trust fund during the
 33 preceding month to the district which levied the tax. Such funds shall be deposited with the
 34 treasurer of each such district, and all expenditures of funds arising from the regional jail district
 35 sales tax trust fund shall be paid ~~[pursuant to]~~ under an appropriation adopted by the commission
 36 and shall be approved by the commission. Expenditures may be made from the fund for any
 37 function authorized in the order adopted by the commission submitting the regional jail district tax
 38 to the voters.

39 6. The director of revenue may make refunds from the amounts in the trust fund and
 40 credited to any district for erroneous payments and overpayments made, and may redeem
 41 dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the
 42 tax, the commission shall notify the director of revenue of the action ~~[at least ninety days]~~
 43 the repeal shall be effective as provided by subsection 19 of
 44 section 32.087. The director of revenue may order retention in the trust fund, for a period of one
 45 year, of two percent of the amount collected after receipt of such notice to cover possible refunds or
 46 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such
 47 accounts. After one year has elapsed after the effective date of abolition of the tax in such district,
 48 the director of revenue shall remit the balance in the account to the district and close the account of
 49 that district. The director of revenue shall notify each district in each instance of any amount

1 refunded or any check redeemed from receipts due the district.

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

4 8. The provisions of this section shall expire September 30, 2028.

5 238.235. 1. (1) Any transportation development district may by resolution impose a
6 transportation development district sales tax on all retail sales made in such transportation
7 development district which are subject to taxation ~~[pursuant to the provisions of sections 144.010 to~~
8 ~~144.525]~~ under chapter 144, except such transportation development district sales tax shall not apply
9 to the sale or use of motor vehicles, trailers, boats, ~~[or]~~ outboard motors ~~[nor to all sales of~~
10 ~~electricity or electrical current, water and gas, natural or artificial, nor to sales of service to~~
11 ~~telephone subscribers, either local or long distance]~~ , electricity, piped natural or artificial gas, or
12 other fuels delivered by the seller. Such transportation development district sales tax may be
13 imposed for any transportation development purpose designated by the transportation development
14 district in its ballot of submission to its qualified voters, except that no resolution enacted ~~[pursuant~~
15 ~~to]~~ under the authority granted by this section shall be effective unless:

16 (a) The board of directors of the transportation development district submits to the qualified
17 voters of the transportation development district a proposal to authorize the board of directors of the
18 transportation development district to impose or increase the levy of an existing tax ~~[pursuant to the~~
19 ~~provisions of]~~ under this section; or

20 (b) The voters approved the question certified by the petition filed ~~[pursuant to]~~ under
21 subsection 5 of section 238.207.

22 (2) If the transportation district submits to the qualified voters of the transportation
23 development district a proposal to authorize the board of directors of the transportation development
24 district to impose or increase the levy of an existing tax ~~[pursuant to]~~ under the provisions of
25 paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need
26 not be limited to, the following language:

27 Shall the transportation development district of _____ (transportation
28 development district's name) impose a transportation development district-wide sales tax at the rate
29 of _____ (insert ~~[amount]~~ rate of percent) for a period of _____ (insert number) years
30 from the date on which such tax is first imposed for the purpose of _____ (insert
31 transportation development purpose)?

32 YES

32 NO

34 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
35 the question, place an "X" in the box opposite "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 resolution and any amendments thereto shall be in effect as provided by
39 subsection 19 of section 32.087. If a majority of the votes cast by the qualified voters voting are
40 opposed to the proposal, then the board of directors of the transportation development district shall
41 have no power to impose the sales tax authorized by this section unless and until the board of
42 directors of the transportation development district shall again have submitted another proposal to
43 authorize it to impose the sales tax ~~[pursuant to the provisions of]~~ under this section and such
44 proposal is approved by a majority of the qualified voters voting thereon.

45 (3) ~~[The sales tax authorized by this section shall become effective on the first day of the~~
46 ~~second calendar quarter after the department of revenue receives notification of the tax.~~

47 ~~_____ (4) In each transportation development district in which a sales tax has been imposed in the~~
48 ~~manner provided by this section, every retailer shall add the tax imposed by the transportation~~
49 ~~development district pursuant to this section to the retailer's sale price, and when so added such tax~~

1 shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall
2 be recoverable at law in the same manner as the purchase price.

3 ~~—— (5) In order to permit sellers required to collect and report the sales tax authorized by this~~
4 ~~section to collect the amount required to be reported and remitted, but not to change the~~
5 ~~requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid~~
6 ~~fractions of pennies, the transportation development district may establish appropriate brackets~~
7 ~~which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets~~
8 ~~provided in section 144.285.~~

9 ~~—— (6) All revenue received by a transportation development district from the tax authorized by~~
10 ~~this section which has been designated for a certain transportation development purpose shall be~~
11 ~~deposited in a special trust fund and shall be used solely for such designated purpose. Upon the~~
12 ~~expiration of the period of years approved by the qualified voters [pursuant to] under subdivision (2)~~
13 ~~of this subsection or if the tax authorized [by] under this section is repealed [pursuant to] under~~
14 ~~subsection [6] 4 of this section, all funds remaining in the special trust fund shall continue to be used~~
15 ~~solely for such designated transportation development purpose. Any funds in such special trust fund~~
16 ~~which are not needed for current expenditures may be invested by the board of directors in~~
17 ~~accordance with applicable laws relating to the investment of other transportation development~~
18 ~~district funds.~~

19 ~~[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a~~
20 ~~maximum of one percent on the receipts from the sale at retail of all tangible personal property or~~
21 ~~taxable services at retail within the transportation development district adopting such tax, if such~~
22 ~~property and services are subject to taxation by [the state of Missouri pursuant to the provisions of~~
23 ~~sections 144.010 to 144.525] this state under chapter 144, except such transportation development~~
24 ~~district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard~~
25 ~~motors [nor to public utilities]. Any transportation development district sales tax imposed [pursuant~~
26 ~~to] under this section shall be imposed at a rate that shall be uniform throughout the district.~~

27 2. The resolution imposing the sales tax ~~[pursuant to] under~~ this section shall impose upon
28 all sellers a tax for the privilege of engaging in the business of selling tangible personal property or
29 rendering taxable services at retail to the extent and in the manner provided ~~[in sections 144.010 to~~
30 ~~144.525] under chapter 144, and the rules and regulations of the director of revenue issued pursuant~~
31 ~~thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and~~
32 ~~the tax shall be reported and returned to and collected by the transportation development district.~~

33 3. ~~[On and after the effective date of any tax imposed pursuant to this section, the director of~~
34 ~~revenue shall perform all functions incident to the administration, collection, enforcement, and~~
35 ~~operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes~~
36 ~~imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to~~
37 ~~this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be~~
38 ~~collected together and reported upon such forms and pursuant to such administrative rules and~~
39 ~~regulations as may be prescribed by the director of revenue.~~

40 ~~—— (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 provision,~~
42 ~~shall apply to the collection of the tax imposed by this section, except as modified in this section.~~

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

47 ~~—— (3) The same sales tax permit, exemption certificate and retail certificate required by~~
48 ~~sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy~~
49 ~~the requirements of this section, and no additional permit or exemption certificate or retail certificate~~

1 shall be required; except that the transportation development district may prescribe a form of
2 exemption certificate for an exemption from the tax imposed by this section.

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

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

8 ~~—— (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail
9 sales except retail sales of motor vehicles shall be deemed to be consummated at the place of
10 business of the retailer unless the tangible personal property sold is delivered by the retailer or the
11 retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state
12 destination. In the event a retailer has more than one place of business in this state which
13 participates in the sale, the sale shall be deemed to be consummated at the place of business of the
14 retailer where the initial order for the tangible personal property is taken, even though the order
15 must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a
16 retailer's employee shall be deemed to be consummated at the place of business from which the
17 employee works.~~

18 ~~—— 5.] All sales taxes received by the transportation development district shall be deposited by
19 the director of revenue in a special fund to be expended for the purposes authorized in this section.
20 The director of revenue shall keep accurate records of the amount of money which was collected
21 [pursuant to] under this section, and the records shall be open to the inspection of officers of each
22 transportation development district and the general public.~~

23 ~~[6.] 4. (1) No transportation development district imposing a sales tax [pursuant to] under
24 this section may repeal or amend such sales tax unless such repeal or amendment will not impair the
25 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
26 revenue bonds, notes or other obligations which it has issued or which have been issued by the
27 commission or any local transportation authority to finance any project or projects.~~

28 ~~(2) Whenever the board of directors of any transportation development district in which a
29 transportation development sales tax has been imposed in the manner provided by this section
30 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such
31 transportation development sales tax, the board of directors shall, if such repeal will not impair the
32 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
33 revenue bonds, notes or other obligations which it has issued or which have been issued by the
34 commission or any local transportation authority to finance any project or projects, submit to the
35 qualified voters of such transportation development district a proposal to repeal the transportation
36 development sales tax imposed [pursuant to the provisions of] under this section. If a majority of
37 the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to
38 repeal the transportation development sales tax, then the resolution imposing the transportation
39 development sales tax, along with any amendments thereto, is repealed as provided by subsection 19
40 of section 32.087. If a majority of the votes cast by the qualified voters voting thereon are opposed
41 to the proposal to repeal the transportation development sales tax, then the ordinance or resolution
42 imposing the transportation development sales tax, along with any amendments thereto, shall remain
43 in effect.~~

44 ~~[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the
45 contrary, the sales tax imposed by a district whose project is a public mass transportation system
46 shall not be considered economic activity taxes as such term is defined under sections 99.805 and
47 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845,
48 or subsection 4 of section 99.957.~~

49 6. After the effective date of any tax imposed under the provisions of this section, the

1 director of revenue shall perform all functions incident to the administration, collection,
 2 enforcement, and operation of the tax and collect, in addition to the sales tax for the state of
 3 Missouri, the additional tax authorized under the authority of this section. The tax imposed under
 4 this section and the tax imposed under the sales tax law of the state of Missouri shall be collected
 5 together and reported upon such forms and under such administrative rules and regulations as may
 6 be prescribed by the director of revenue.

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

9 238.410. 1. Any county transit authority established ~~[pursuant to]~~ under section 238.400
 10 may impose a sales tax of up to one percent on all retail sales made in such county which are subject
 11 to taxation under ~~[the provisions of sections 144.010 to 144.525]~~ chapter 144. The tax authorized
 12 by this section shall be in addition to any and all other sales taxes allowed by law, except that no
 13 sales tax imposed under the provisions of this section shall be effective unless the governing body of
 14 the county, on behalf of the transit authority, submits to the voters of the county, at a county or state
 15 general, primary or special election, a proposal to authorize the transit authority to impose a tax.

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

17 Shall the _____ Transit Authority impose a countywide sales tax of
 18 _____ (insert ~~[amount]~~ rate of percent) in order to provide revenues for the operation of
 19 transportation facilities operated by the transit authority?

20 YES NO

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

24
 25 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 26 the proposal, then the tax shall become effective ~~[on the first day of the second calendar quarter~~
 27 ~~following notification to the department of revenue of adoption of the tax]~~ as provided by subsection
 28 19 of section 32.087. If a majority of the votes cast by the qualified voters voting are opposed to the
 29 proposal, then the transit authority shall have no power to impose the sales tax authorized by this
 30 section unless and until another proposal to authorize the transit authority to impose the sales tax
 31 authorized by this section has been submitted and such proposal is approved by a majority of the
 32 qualified voters voting thereon.

33 3. All revenue received by the transit authority from the tax authorized under the provisions
 34 of this section shall be deposited in a special trust fund and shall be used solely by the transit
 35 authority for construction, purchase, lease, maintenance and operation of transportation facilities
 36 located within the county for so long as the tax shall remain in effect. Any funds in such special
 37 trust fund which are not needed for current expenditures may be invested by the transit authority in
 38 accordance with applicable laws relating to the investment of county funds.

39 4. No transit authority imposing a sales tax ~~[pursuant to]~~ under this section may repeal or
 40 amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of
 41 the county in the same manner as provided ~~[in]~~ under subsection 1 of this section for approval of
 42 such tax. Whenever the governing body of any county in which a sales tax has been imposed in the
 43 manner provided by this section receives a petition, signed by ten percent of the registered voters of
 44 such county voting in the last gubernatorial election, calling for an election to repeal such sales tax,
 45 the governing body shall submit to the voters of such county a proposal to repeal the sales tax
 46 imposed under ~~[the provisions of]~~ this section. If a majority of the votes cast on the proposal by the
 47 registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales
 48 tax is repealed as provided by subsection 19 of section 32.087. If a majority of the votes cast by the
 49 registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales

1 tax shall remain in effect.

2 5. The sales tax imposed under the provisions of this section shall impose upon all sellers a
3 tax for the privilege of engaging in the business of selling tangible personal property or rendering
4 taxable services at retail to the extent and in the manner provided [~~in sections 144.010 to 144.525]~~
5 under chapter 144 and the rules and regulations of the director of revenue issued pursuant thereto;
6 except that the rate of the tax shall be the rate approved [~~pursuant to]~~ under this section. The
7 amount reported and returned to the director of revenue by the seller shall be computed on the basis
8 of the combined rate of the tax imposed [~~by sections 144.010 to 144.525]~~ under chapter 144 and the
9 tax imposed by this section, plus any amounts imposed under other provisions of law.

10 6. After the effective date of any tax imposed under the provisions of this section, the
11 director of revenue shall perform all functions incident to the administration, collection,
12 enforcement, and operation of the tax, and the director of revenue shall collect in addition to the
13 sales tax for the state of Missouri the additional tax authorized under the authority of this section.
14 The tax imposed under this section and the tax imposed under the sales tax law of the state of
15 Missouri shall be collected together and reported upon such forms and under such administrative
16 rules and regulations as may be prescribed by the director of revenue. In order to permit sellers
17 required to collect and report the sales tax to collect the amount required to be reported and
18 remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the
19 tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall
20 apply to all taxable transactions.

21 7. All applicable provisions contained in [~~sections 144.010 to 144.525]~~ chapter 144
22 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to
23 the collection of the tax imposed by this section, except as modified in this section. All exemptions
24 granted to agencies of government, organizations, persons and to the sale of certain articles and
25 items of tangible personal property and taxable services under the provisions of [~~sections 144.010 to~~
26 ~~144.525]~~ chapter 144 are hereby made applicable to the imposition and collection of the tax
27 imposed by this section. The same sales tax permit, exemption certificate and retail certificate
28 required [~~by sections 144.010 to 144.525]~~ under chapter 144 for the administration and collection of
29 the state sales tax shall satisfy the requirements of this section, and no additional permit or
30 exemption certificate or retail certificate shall be required; except that the director of revenue may
31 prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All
32 discounts allowed the retailer under the provisions of the state sales tax law for the collection of and
33 for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes
34 collected under the provisions of this section. The penalties provided in section 32.057 and
35 [~~sections 144.010 to 144.525]~~ chapter 144 for a violation of those sections are hereby made
36 applicable to violations of this section.

37 8. [~~For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be~~
38 ~~deemed to be consummated at the place of business of the retailer, except for tangible personal~~
39 ~~property sold which is delivered by the retailer or his agent to an out-of-state destination or to a~~
40 ~~common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles,~~
41 ~~trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the~~
42 ~~event a retailer has more than one place of business in this state which participates in the sale, the~~
43 ~~sale shall be deemed to be consummated at the place of business of the retailer where the initial~~
44 ~~order for the tangible personal property is taken, even though the order must be forwarded elsewhere~~
45 ~~for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be~~
46 ~~deemed to be consummated at the place of business from which he works.~~

47 ~~9.] All sales taxes collected by the director of revenue under this section on behalf of any~~
48 ~~transit authority[, less one percent for cost of collection which shall be deposited in the state's~~
49 ~~general revenue fund after payment of premiums for surety bonds as provided in this section,] shall~~

1 be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the
 2 "County Transit Authority Sales Tax Trust Fund". ~~[The moneys in the county transit authority sales~~
 3 ~~tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of~~
 4 ~~the state.]~~ The director of revenue shall keep accurate records of the amount of money in the trust
 5 fund which was collected in each transit authority imposing a sales tax under this section, and the
 6 records shall be open to the inspection of officers of the county and the public. Not later than the
 7 tenth day of each month the director of revenue shall distribute all moneys deposited in the trust
 8 fund during the preceding month to the transit authority which levied the tax.

9 ~~[40-]~~ 9. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from
 10 the amounts in the trust fund and credited to any transit authority for erroneous payments and
 11 overpayments made, and may ~~[authorize the state treasurer to]~~ redeem dishonored checks and drafts
 12 deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the
 13 transit authority shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the
 14 effective date of the repeal, and the repeal shall be effective as provided by subsection 19 of section
 15 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of
 16 two percent of the amount collected after receipt of such notice to cover possible refunds or
 17 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such
 18 accounts. After one year has elapsed after the effective date of abolition of the tax in such transit
 19 authority, the director of revenue shall ~~[authorize the state treasurer to]~~ remit the balance in the
 20 account to the transit authority and close the account of that transit authority. The director of
 21 revenue shall notify each transit authority of each instance of any amount refunded or any check
 22 redeemed from receipts due the transit authority. The director of revenue shall annually report on
 23 his management of the trust fund and administration of the sales taxes authorized by this section.
 24 He shall provide each transit authority imposing the tax authorized by this section with a detailed
 25 accounting of the source of all funds received by him for the transit authority.

26 ~~[41-]~~ 10. The director of revenue and any of his deputies, assistants and employees who
 27 shall have any duties or responsibilities in connection with the collection, deposit, transfer,
 28 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands
 29 of the director of revenue under the provisions of this section shall enter a surety bond or bonds
 30 payable to any and all transit authorities in whose behalf such funds have been collected under this
 31 section in the amount of one hundred thousand dollars; but the director of revenue may enter into a
 32 blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of
 33 the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from
 34 the share of the collection retained by the director of revenue for the benefit of the state.

35 ~~[42-]~~ 11. Sales taxes imposed ~~[pursuant to]~~ under this section and use taxes on the purchase
 36 and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted
 37 by the seller, but shall be collected by the director of revenue at the time application is made for a
 38 certificate of title, if the address of the applicant is within a county where a sales tax is imposed
 39 under this section. The amounts so collected, less the one percent collection cost, shall be deposited
 40 in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers,
 41 boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As
 42 used in this subsection, the term "boat" shall only include motorboats and vessels as the terms
 43 "motorboat" and "vessel" are defined in section 306.010.

44 ~~[43-]~~ 12. In any county where the transit authority sales tax has been imposed, if any person
 45 is delinquent in the payment of the amount required to be paid by him under this section or in the
 46 event a determination has been made against him for taxes and penalty under this section, the
 47 limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as
 48 that provided ~~[in sections 144.010 to 144.525]~~ under chapter 144. Where the director of revenue has
 49 determined that suit must be filed against any person for the collection of delinquent taxes due the

1 state under the state sales tax law, and where such person is also delinquent in payment of taxes
 2 under this section, the director of revenue shall notify the transit authority to which delinquent taxes
 3 are due under this section by United States registered mail or certified mail at least ten days before
 4 turning the case over to the attorney general. The transit authority, acting through its attorney, may
 5 join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such
 6 transit authority. In the event any person fails or refuses to pay the amount of any sales tax due
 7 under this section, the director of revenue shall promptly notify the transit authority to which the tax
 8 would be due so that appropriate action may be taken by the transit authority.

9 ~~[14.]~~ 13. Where property is seized by the director of revenue under the provisions of any
 10 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax
 11 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax
 12 imposed by this section, the director of revenue shall permit the transit authority to join in any sale
 13 of property to pay the delinquent taxes and penalties due the state and to the transit authority under
 14 this section. The proceeds from such sale shall first be applied to all sums due the state, and the
 15 remainder, if any, shall be applied to all sums due such transit authority under this section.

16 ~~[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall~~
 17 ~~notify any and all affected businesses of the change in tax rate caused by the imposition of the tax~~
 18 ~~authorized by sections 238.400 to 238.412.~~

19 ~~_____16.]~~ 14. In the event that any transit authority in any county with a charter form of
 20 government and with more than two hundred fifty thousand but fewer than three hundred fifty
 21 thousand inhabitants submits a proposal in any election to increase the sales tax under this section,
 22 and such proposal is approved by the voters, the county shall be reimbursed for the costs of
 23 submitting such proposal from the funds derived from the tax levied under this section.

24 15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to
 25 32.087 shall apply to the tax imposed under sections 238.410 and 238.412.

26 644.032. 1. The governing body of any municipality or county may impose, by ordinance
 27 or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in
 28 such municipality or county which are subject to taxation under the provisions of ~~[sections 144.010~~
 29 ~~to 144.525]~~ chapter 144. The tax authorized by this section and section 644.033 shall be in addition
 30 to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales
 31 tax under the provisions of this section and section 644.033 shall be effective unless the governing
 32 body of the municipality or county submits to the voters of the municipality or county, at a
 33 municipal, county or state general, primary or special election, a proposal to authorize the governing
 34 body of the municipality or county to impose a tax, provided, that the tax authorized by this section
 35 shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any
 36 county with a charter form of government and with more than one million inhabitants.

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

38 Shall the municipality (county) of _____ impose a sales tax of _____ (insert
 39 ~~[amount]~~ rate of percent) for the purpose of providing funding for _____ (insert
 40 either storm water control, or local parks, or storm water control and local parks) for the
 41 municipality (county)?

42 YES NO

43
 44 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 45 the proposal, then the ordinance or order and any amendments thereto shall ~~[be in effect on the first~~
 46 ~~day of the second quarter after the director of revenue receives notice of adoption of the tax]~~ become
 47 effective as provided in subsection 19 of section 32.087. If a majority of the votes cast by the
 48 qualified voters voting are opposed to the proposal, then the governing body of the municipality or
 49 county shall not impose the sales tax authorized in this section and section 644.033 until the

1 governing body of the municipality or county resubmits another proposal to authorize the governing
 2 body of the municipality or county to impose the sales tax authorized by this section and section
 3 644.033 and such proposal is approved by a majority of the qualified voters voting thereon;
 4 however, in no event shall a proposal ~~[pursuant to]~~ under this section and section 644.033 be
 5 submitted to the voters sooner than twelve months from the date of the last proposal ~~[pursuant to]~~
 6 under this section and section 644.033.

7 3. All revenue received by a municipality or county from the tax authorized under ~~[the~~
 8 ~~provisions of]~~ this section and section 644.033 shall be deposited in a special trust fund and shall be
 9 used to provide funding for storm water control or for local parks, or both, within such municipality
 10 or county, provided that such revenue may be used for local parks outside such municipality or
 11 county if the municipality or county is engaged in a cooperative agreement ~~[pursuant to]~~ under
 12 section 70.220.

13 4. Any funds in such special trust fund which are not needed for current expenditures may
 14 be invested by the governing body in accordance with applicable laws relating to the investment of
 15 other municipal or county funds.

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

18
 19 ~~[66.601. The duties of the director of revenue with respect to the~~
 20 ~~allocation, division and distribution of sales and use tax proceeds~~
 21 ~~determined to be due any county of the first classification having a~~
 22 ~~charter form of government and having a population of nine hundred~~
 23 ~~thousand or more inhabitants and all municipalities within such~~
 24 ~~county, resulting from taxes levied or imposed under the authority of~~
 25 ~~sections 66.600 to 66.630, section 144.748, and sections 94.850 to~~
 26 ~~94.857, may be delegated to the county levying the county sales tax~~
 27 ~~under sections 66.600 to 66.630, at the discretion of the director of~~
 28 ~~revenue and with the consent of the county. Notwithstanding the~~
 29 ~~provisions of section 32.057 to the contrary, if such duties are so~~
 30 ~~assigned, the director of revenue shall furnish the county with~~
 31 ~~sufficient information to perform such duties in such form as may be~~
 32 ~~agreed upon by the director and the county at no cost to the county.~~
 33 ~~The county shall be bound by the provisions of section 32.057, and~~
 34 ~~shall use any information provided by the director of revenue under~~
 35 ~~the provisions of this section solely for the purpose of allocating,~~
 36 ~~dividing and distributing such sales and use tax revenues. The county~~
 37 ~~shall exercise all of the director's powers and duties with respect to~~
 38 ~~such allocation, division and distribution, and shall receive no fee for~~
 39 ~~carrying out such powers and duties.]~~

40
 41 ~~[67.1713. Beginning January 1, 2002, there is hereby specifically~~
 42 ~~exempted from the tax imposed pursuant to section 67.1712 all sales~~
 43 ~~of food as defined by section 144.014.]~~

44
 45 ~~[67.1971. All entities remitting the sales tax authorized pursuant to~~
 46 ~~section 67.1959 shall have their liability reduced by an amount equal~~
 47 ~~to twenty-five percent of any taxes collected and remitted pursuant to~~
 48 ~~sections 94.802 to 94.805.]~~

1 [144.043. 1. As used in this section, the following terms mean:

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

5 (2) "Light aircraft kit", factory manufactured parts and components,
6 including engine, propeller, instruments, wheels, brakes, and air frame
7 parts which make up a complete aircraft kit or partial kit designed to be
8 assembled into a light aircraft and then operated by a qualified
9 purchaser for recreational and educational purposes;

10 (3) "Parts and components", manufactured light aircraft parts,
11 including air frame and engine parts, that are required by the qualified
12 purchaser to complete a light aircraft kit, or spare or replacement parts
13 for an already completed light aircraft;

14 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft
15 kit, parts or components who is nonresident of this state, who will
16 transport the light aircraft, light aircraft kit, parts or components
17 outside this state within ten days after the date of purchase, and who
18 will register any light aircraft so purchased in another state or country.
19 Such purchaser shall not base such aircraft in this state and such
20 purchaser shall not be a resident of the state unless such purchaser has
21 paid sales or use tax on such aircraft in another state.

22 2. In addition to the exemptions granted under the provisions of
23 section 144.030, there shall also be specifically exempted from the
24 provisions of sections 144.010 to 144.525, sections 144.600 to
25 144.748, section 238.235, and from the provisions of any local sales
26 tax law, as defined in section 32.085, and from the computation of the
27 tax levied, assessed or payable under sections 144.010 to 144.525,
28 sections 144.600 to 144.748, section 238.235, and under any local sales
29 tax law, as defined in section 32.085, all sales of new light aircraft,
30 light aircraft kits, parts or components manufactured or substantially
31 completed within this state, when such new light aircraft, light aircraft
32 kits, parts or components are sold by the manufacturer to a qualified
33 purchaser. The director of revenue shall prescribe the manner for a
34 purchaser of a light aircraft, light aircraft kit, parts or components to
35 establish that such person is a qualified purchaser and is eligible for the
36 exemption established in this section.]
37

38 [144.069. All sales taxes associated with the titling of motor vehicles,
39 trailers, boats and outboard motors under the laws of Missouri shall be
40 imposed at the rate in effect at the location of the address of the owner
41 thereof, and all sales taxes associated with the titling of vehicles under
42 leases of over sixty-day duration of motor vehicles, trailers, boats and
43 outboard motors shall be imposed at the rate in effect, unless the
44 vehicle, trailer, boat or motor has been registered and sales taxes have
45 been paid prior to the consummation of the lease agreement at the
46 location of the address of the lessee thereof on the date the lease is
47 consummated, and all applicable sales taxes levied by any political
48 subdivision shall be collected and remitted on such sales from the
49 purchaser or lessee by the state department of revenue on that basis.]

1 ~~[144.517. In addition to the exemptions granted pursuant to~~
 2 ~~section 144.030, there shall also be exempted from state sales and use~~
 3 ~~taxes all sales of textbooks, as defined by section 170.051, when such~~
 4 ~~textbook is purchased by a student who possesses proof of current~~
 5 ~~enrollment at any Missouri public or private university, college or~~
 6 ~~other postsecondary institution of higher learning offering a course of~~
 7 ~~study leading to a degree in the liberal arts, humanities or sciences or~~
 8 ~~in a professional, vocational or technical field, provided that the books~~
 9 ~~which are exempt from state sales tax are those required or~~
 10 ~~recommended for a class. Upon request the institution or department~~
 11 ~~must provide at least one list of textbooks to the bookstore each~~
 12 ~~semester. Alternately, the student may provide to the bookstore a list~~
 13 ~~from the instructor, department or institution of his or her required or~~
 14 ~~recommended textbooks. This exemption shall not apply to any~~
 15 ~~locally imposed sales or use tax.]~~

16
 17 ~~[144.605. The following words and phrases as used in sections~~
 18 ~~144.600 to 144.745 mean and include:~~

- 19 ~~(1) "Calendar quarter", the period of three consecutive calendar~~
 20 ~~months ending on March thirty-first, June thirtieth, September thirtieth~~
 21 ~~or December thirty-first;~~
 22 ~~(2) "Engages in business activities within this state" includes:~~
 23 ~~(a) Maintaining or having a franchisee or licensee operating under the~~
 24 ~~seller's trade name in this state if the franchisee or licensee is required~~
 25 ~~to collect sales tax pursuant to sections 144.010 to 144.525;~~
 26 ~~(b) Soliciting sales or taking orders by sales agents or traveling~~
 27 ~~representatives;~~
 28 ~~(c) A vendor is presumed to engage in business activities within this~~
 29 ~~state if any person, other than a common carrier acting in its capacity~~
 30 ~~as such, that has substantial nexus with this state:~~
 31 ~~—— a. Sells a similar line of products as the vendor and does so~~
 32 ~~under the same or a similar business name;~~
 33 ~~b. Maintains an office, distribution facility, warehouse, or storage~~
 34 ~~place, or similar place of business in the state to facilitate the delivery~~
 35 ~~of property or services sold by the vendor to the vendor's customers;~~
 36 ~~c. Delivers, installs, assembles, or performs maintenance services for~~
 37 ~~the vendor's customers within the state;~~
 38 ~~d. Facilitates the vendor's delivery of property to customers in the~~
 39 ~~state by allowing the vendor's customers to pick up property sold by~~
 40 ~~the vendor at an office, distribution facility, warehouse, storage place,~~
 41 ~~or similar place of business maintained by the person in the state; or~~
 42 ~~e. Conducts any other activities in the state that are significantly~~
 43 ~~associated with the vendor's ability to establish and maintain a market~~
 44 ~~in the state for the sales;~~
 45 ~~(d) The presumption in paragraph (c) may be rebutted by~~
 46 ~~demonstrating that the person's activities in the state are not~~
 47 ~~significantly associated with the vendor's ability to establish or~~
 48 ~~maintain a market in this state for the vendor's sales;~~
 49 ~~(e) Notwithstanding paragraph (c), a vendor shall be presumed to~~

1 engage in business activities within this state if the vendor enters into
2 an agreement with one or more residents of this state under which the
3 resident, for a commission or other consideration, directly or
4 indirectly refers potential customers, whether by a link on an internet
5 website, an in-person oral presentation, telemarketing, or otherwise, to
6 the vendor, if the cumulative gross receipts from sales by the vendor
7 to customers in the state who are referred to the vendor by all
8 residents with this type of an agreement with the vendor is in excess
9 of ten thousand dollars during the preceding twelve months;

10 (f) The presumption in paragraph (e) may be rebutted by submitting
11 proof that the residents with whom the vendor has an agreement did
12 not engage in any activity within the state that was significantly
13 associated with the vendor's ability to establish or maintain the
14 vendor's market in the state during the preceding twelve months.
15 Such proof may consist of sworn written statements from all of the
16 residents with whom the vendor has an agreement stating that they did
17 not engage in any solicitation in the state on behalf of the vendor
18 during the preceding year provided that such statements were
19 provided and obtained in good faith;

20 (3) "Maintains a place of business in this state" includes maintaining,
21 occupying, or using, permanently or temporarily, directly or indirectly,
22 by whatever name called, an office, place of distribution, sales or
23 sample room or place, warehouse or storage place, or other place of
24 business in this state, whether owned or operated by the vendor or by
25 any other person other than a common carrier acting in its capacity as
26 such;

27 (4) "Person", any individual, firm, copartnership, joint venture,
28 association, corporation, municipal or private, and whether organized
29 for profit or not, state, county, political subdivision, state department,
30 commission, board, bureau or agency, except the state transportation
31 department, estate, trust, business trust, receiver or trustee appointed
32 by the state or federal court, syndicate, or any other group or
33 combination acting as a unit, and the plural as well as the singular
34 number;

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

38 (6) "Purchaser", any person who is the recipient for a valuable
39 consideration of any sale of tangible personal property acquired for
40 use, storage or consumption in this state;

41 (7) "Sale", any transfer, barter or exchange of the title or ownership of
42 tangible personal property, or the right to use, store or consume the
43 same, for a consideration paid or to be paid, and any transaction
44 whether called leases, rentals, bailments, loans, conditional sales or
45 otherwise, and notwithstanding that the title or possession of the
46 property or both is retained for security. For the purpose of this law
47 the place of delivery of the property to the purchaser, user, storer or
48 consumer is deemed to be the place of sale, whether the delivery be by
49 the vendor or by common carriers, private contractors, mails, express,

1 agents, salesmen, solicitors, hawkers, representatives, consignors,
2 peddlers, canvassers or otherwise;

3 (8) "Sales price", the consideration including the charges for services,
4 except charges incident to the extension of credit, paid or given, or
5 contracted to be paid or given, by the purchaser to the vendor for the
6 tangible personal property, including any services that are a part of the
7 sale, valued in money, whether paid in money or otherwise, and any
8 amount for which credit is given to the purchaser by the vendor,
9 without any deduction therefrom on account of the cost of the
10 property sold, the cost of materials used, labor or service cost, losses
11 or any other expenses whatsoever, except that cash discounts allowed
12 and taken on sales shall not be included and "sales price" shall not
13 include the amount charged for property returned by customers upon
14 rescission of the contract of sales when the entire amount charged
15 therefor is refunded either in cash or credit or the amount charged for
16 labor or services rendered in installing or applying the property sold,
17 the use, storage or consumption of which is taxable pursuant to
18 sections 144.600 to 144.745. The sales price shall not include usual
19 and customary delivery charges that are separately stated. In
20 determining the amount of tax due pursuant to sections 144.600 to
21 144.745, any charge incident to the extension of credit shall be
22 specifically exempted;

23 (9) "Selling agent", every person acting as a representative of a
24 principal, when such principal is not registered with the director of
25 revenue of the state of Missouri for the collection of the taxes imposed
26 pursuant to sections 144.010 to 144.525 or sections 144.600 to
27 144.745 and who receives compensation by reason of the sale of
28 tangible personal property of the principal, if such property is to be
29 stored, used, or consumed in this state;

30 (10) "Storage", any keeping or retention in this state of tangible
31 personal property purchased from a vendor, except property for sale or
32 property that is temporarily kept or retained in this state for
33 subsequent use outside the state;

34 (11) "Tangible personal property", all items subject to the Missouri
35 sales tax as provided in subdivisions (1) and (3) of section 144.020;

36 (12) "Taxpayer", any person remitting the tax or who should remit the
37 tax levied by sections 144.600 to 144.745;

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

43 (14) "Vendor", every person engaged in making sales of tangible
44 personal property by mail order, by advertising, by agent or peddling
45 tangible personal property, soliciting or taking orders for sales of
46 tangible personal property, for storage, use or consumption in this
47 state, all salesmen, solicitors, hawkers, representatives, consignees,
48 peddlers or canvassers, as agents of the dealers, distributors,
49 consignors, supervisors, principals or employers under whom they

1 operate or from whom they obtain the tangible personal property sold
 2 by them, and every person who maintains a place of business in this
 3 state, maintains a stock of goods in this state, or engages in business
 4 activities within this state and every person who engages in this state
 5 in the business of acting as a selling agent for persons not otherwise
 6 vendors as defined in this subdivision. Irrespective of whether they
 7 are making sales on their own behalf or on behalf of the dealers,
 8 distributors, consignors, supervisors, principals or employers, they
 9 must be regarded as vendors and the dealers, distributors, consignors,
 10 supervisors, principals or employers must be regarded as vendors for
 11 the purposes of sections 144.600 to 144.745.]

12
 13 [144.1000. Sections 144.1000 to 144.1015 shall be known as and
 14 referred to as the "Simplified Sales and Use Tax Administration Act".]

15
 16 [144.1003. As used in sections 144.1000 to 144.1015, the following
 17 terms shall mean:

- 18 (1) "Agreement", the streamlined sales and use tax agreement;
 19 (2) "Certified automated system", software certified jointly by the
 20 states that are signatories to the agreement to calculate the tax
 21 imposed by each jurisdiction on a transaction, determine the amount
 22 of tax to remit to the appropriate state and maintain a record of the
 23 transaction;
 24 (3) "Certified service provider", an agent certified jointly by the states
 25 that are signatories to the agreement to perform all of the seller's sales
 26 tax functions;
 27 (4) "Person", an individual, trust, estate, fiduciary, partnership,
 28 limited liability company, limited liability partnership, corporation or
 29 any other legal entity;
 30 (5) "Sales tax", any sales tax levied pursuant to this chapter, section
 31 32.085, or any other sales tax authorized by statute and levied by this
 32 state or its political subdivisions;
 33 (6) "Seller", any person making sales, leases or rentals of personal
 34 property or services;
 35 (7) "State", any state of the United States and the District of
 36 Columbia;
 37 ——— (8) "Use tax", the use tax levied pursuant to this chapter.]

38
 39 [144.1006. For the purposes of reviewing and, if necessary, amending
 40 the agreement embodying the simplification recommendations
 41 contained in section 144.1015, the state may enter into multistate
 42 discussions. For purposes of such discussions, the state shall be
 43 represented by seven delegates, one of whom shall be appointed by
 44 the governor, two members appointed by the speaker of the house of
 45 representatives, one member appointed by the minority leader of the
 46 house of representatives, two members appointed by the president pro
 47 tempore of the senate and one member appointed by the minority
 48 leader of the senate. The delegates need not be members of the
 49 general assembly and at least one of the delegates appointed by the

1 speaker of the house of representatives and one member appointed by
2 the president pro tempore of the senate shall be from the private sector
3 and represent the interests of Missouri businesses. The delegates shall
4 recommend to the committees responsible for reviewing tax issues in
5 the senate and the house of representatives each year any amendment
6 of state statutes required to be substantially in compliance with the
7 agreement. Such delegates shall make a written report by the fifteenth
8 day of January each year regarding the status of the multistate
9 discussions and upon final adoption of the terms of the sales and use
10 tax agreement by the multistate body.]

11
12 [144.1009. No provision of the agreement authorized by sections
13 144.1000 to 144.1015 in whole or in part invalidates or amends any
14 provision of the law of this state. Implementation of any condition of
15 this agreement in this state, whether adopted before, at, or after
16 membership of this state in the agreement, must be by action of the
17 general assembly. Such report shall be delivered to the governor, the
18 secretary of state, the president pro tempore of the senate and the
19 speaker of the house of representatives and shall simultaneously be
20 made publicly available by the secretary of state to any person
21 requesting a copy.]

22
23 [144.1012. Unless five of the seven delegates agree, the delegates
24 shall not enter into or vote for any streamlined sales and use tax
25 agreement that:
26 (1) Requires adoption of a definition of any term that would cause
27 any item or transaction that is now excluded or exempted from sales
28 or use tax to become subject to sales or use tax;
29 (2) Requires the state of Missouri to fully exempt or fully apply sales
30 taxes to the sale of food or any other item;
31 (3) Restricts the ability of local governments under statutes in effect
32 on August 28, 2002, to enact one or more local taxes on one or more
33 items without application of the tax to all sales within the taxing
34 jurisdiction, however, restriction of any such taxes allowed by statutes
35 effective after August 28, 2002, may be supported;
36 (4) Provides for adoption of any uniform rate structure that would
37 result in a tax increase for any Missouri taxpayer;
38 (5) Affects the sourcing of sales tax transactions; or
39 (6) Prohibits limitations or thresholds on the application of sales and
40 use tax rates or prohibits any current sales or use tax exemption in the
41 state of Missouri, including exemptions that are based on the value of
42 the transaction or item.]

43
44 [144.1015. In addition to the requirements of section 144.1012, the
45 delegates should consider the following features when deciding
46 whether or not to enter into any streamlined sales and use tax
47 agreement:
48 (1) The agreement should address the limitation of the number of
49 state rates over time;

- 1 ~~———(2) The agreement should establish uniform standards for~~
2 ~~administration of exempt sales and the form used for filing sales and~~
3 ~~use tax returns and remittances;~~
4 ~~(3) The agreement should require the state to provide a central,~~
5 ~~electronic registration system that allows a seller to register to collect~~
6 ~~and remit sales and use taxes for all signatory states;~~
7 ~~(4) The agreement should provide that registration with the central~~
8 ~~registration system and the collection of sales and use taxes in the~~
9 ~~signatory states will not be used as a factor in determining whether the~~
10 ~~seller has nexus with a state for any tax;~~
11 ~~(5) The agreement should provide for reduction of the burdens of~~
12 ~~complying with local sales and use taxes through the following so~~
13 ~~long as they do not conflict with the provisions of section 144.1012:~~
14 ~~(a) Restricting variances between the state and local tax bases;~~
15 ~~(b) Requiring states to administer any sales and use taxes levied by~~
16 ~~local jurisdictions within the state so that sellers collecting and~~
17 ~~remitting these taxes will not have to register or file returns with,~~
18 ~~remit funds to, or be subject to independent audits from local taxing~~
19 ~~jurisdictions;~~
20 ~~(c) Restricting the frequency of changes in the local sales and use tax~~
21 ~~rates and setting effective dates for the application of local~~
22 ~~jurisdictional boundary changes to local sales and use taxes; and~~
23 ~~(d) Providing notice of changes in local sales and use tax rates and of~~
24 ~~changes in the boundaries of local taxing jurisdictions;~~
25 ~~(6) The agreement should outline any monetary allowances that are to~~
26 ~~be provided by the states to sellers or certified service providers. The~~
27 ~~agreement must allow for a joint public and private sector study of the~~
28 ~~compliance cost on sellers and certified service providers to collect~~
29 ~~sales and use taxes for state and local governments under various~~
30 ~~levels of complexity to be completed by July 1, 2003;~~
31 ~~(7) The agreement should require each state to certify compliance~~
32 ~~with the terms of the agreement prior to joining and to maintain~~
33 ~~compliance, under the laws of the member state, with all provisions of~~
34 ~~the agreement while a member, only if the agreement and any~~
35 ~~amendment thereto complies with the provisions of section 144.1012;~~
36 ~~(8) The agreement should require each state to adopt a uniform policy~~
37 ~~for certified service providers that protects the privacy of consumers~~
38 ~~and maintains the confidentiality of tax information; and~~
39 ~~(9) The agreement should provide for the appointment of an advisory~~
40 ~~council of private sector representatives and an advisory council of~~
41 ~~nonmember state representatives to consult with in the administration~~
42 ~~of the agreement.]~~

43
44 Section B. The enactment of sections 32.070, 32.086, 32.087, 66.620, 67.395, 67.525,
45 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738,
46 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775, 67.1959,
47 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 144.010, 144.011,
48 144.014, 144.020, 144.021, 144.022, 144.030, 144.032, 144.049, 144.054, 144.060, 144.079,
49 144.080, 144.082, 144.083, 144.084, 144.100, 144.105, 144.108, 144.109, 144.111, 144.112,

1 144.113, 144.114, 144.123, 144.124, 144.125, 144.140, 144.190, 144.210, 144.212, 144.285,
2 144.526, 144.560, 144.600, 144.612, 144.655, 144.710, 144.759, 144.761, 184.845, 221.407,
3 238.235, 238.410, and 644.032, concerning the "Streamlined Sales and Use Tax Agreement Act"
4 shall become effective on January 1, 2010."; and
5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.