

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

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

1 AMEND House Bill No. 612, Page 1, Section 26.275, Line 12, by inserting after all of said section  
2 and line the following:

3  
4 "143.183. 1. As used in this section, the following terms mean:

5 (1) "Nonresident entertainer", a person residing or registered as a corporation outside this  
6 state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or  
7 other performance in this state before a live audience and any other person traveling with and  
8 performing services on behalf of a nonresident entertainer, including a nonresident entertainer who  
9 is paid compensation for providing entertainment as an independent contractor, a partnership that is  
10 paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid  
11 compensation for entertainment provided by nonresident entertainers, or any other entity that is paid  
12 compensation for entertainment provided by nonresident entertainers;

13 (2) "Nonresident member of a professional athletic team", a professional athletic team  
14 member who resides outside this state, including any active player, any player on the disabled list if  
15 such player is in uniform on the day of the game at the site of the game, and any other person  
16 traveling with and performing services on behalf of a professional athletic team;

17 (3) "Personal service income" includes exhibition and regular season salaries and wages,  
18 guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type  
19 of compensation paid to the nonresident entertainer or nonresident member of a professional athletic  
20 team, but does not include prizes, bonuses or incentive money received from competition in a  
21 livestock, equine or rodeo performance, exhibition or show;

22 (4) "Professional athletic team" includes, but is not limited to, any professional baseball,  
23 basketball, football, soccer and hockey team.

24 2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall  
25 deduct and withhold from such compensation as a prepayment of tax an amount equal to two  
26 percent of the total compensation if the amount of compensation is in excess of three hundred  
27 dollars paid to the nonresident entertainer. For purposes of this section, the term "person, venue, or  
28 entity who pays compensation" shall not be construed to include any person, venue, or entity that is  
29 exempt from taxation under 26 U.S.C. Section 501(c)(3), as amended, and that pays an amount to  
30 the nonresident entertainer for the entertainer's appearance but receives no benefit from the  
31 entertainer's appearance other than the entertainer's performance.

32 3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2  
33 of this section shall, for each calendar quarter, on or before the last day of the month following the  
34 close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the  
35 director of revenue and pay over to the director of revenue or to a depository designated by the  
36 director of revenue the taxes so required to be deducted and withheld.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       4. Any person, venue, or entity subject to this section shall be considered an employer for  
 2 purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax  
 3 provided in this chapter for failure to comply with this section.

4       5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of  
 5 administration, for all taxable years beginning on or after January 1, 1999, but none after December  
 6 31, 2030, shall annually estimate the amount of state income tax revenues collected pursuant to this  
 7 chapter which are received from nonresident members of professional athletic teams and  
 8 nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of  
 9 thirty-one years, the state treasurer shall deposit from moneys that otherwise would have been  
 10 deposited into the general revenue fund an amount equal to sixty percent of the annual estimate of  
 11 taxes generated from the nonresident entertainer and professional athletic team income tax ~~[shall be~~  
 12 ~~allocated annually]~~ to the Missouri arts council trust fund, ~~[and shall be transferred, subject to~~  
 13 ~~appropriations, from the general revenue fund to the Missouri arts council trust fund]~~ established in  
 14 section 185.100 ~~[and any amount transferred shall be in addition to such agency's budget base for~~  
 15 ~~each fiscal year]~~. The director shall by rule establish the method of determining the portion of  
 16 personal service income of such persons that is allocable to Missouri.

17       6. Notwithstanding the provisions of sections 186.050 to 186.067 to the contrary, the  
 18 commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for  
 19 none after December 31, 2030, shall estimate annually the amount of state income tax revenues  
 20 collected pursuant to this chapter which are received from nonresident members of professional  
 21 athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal  
 22 year for a period of thirty-one years, ten percent of the annual estimate of taxes generated from the  
 23 nonresident entertainer and professional athletic team income tax shall be allocated annually to the  
 24 Missouri humanities council trust fund, and shall be transferred, subject to appropriations, from the  
 25 general revenue fund to the Missouri humanities council trust fund established in section 186.055  
 26 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

27       7. Notwithstanding other provisions of section 182.812 to the contrary, the commissioner of  
 28 administration, for all taxable years beginning on or after January 1, 1999, but for none after  
 29 December 31, 2030, shall estimate annually the amount of state income tax revenues collected  
 30 pursuant to this chapter which are received from nonresident members of professional athletic teams  
 31 and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period  
 32 of thirty-one years, ten percent of the annual estimate of taxes generated from the nonresident  
 33 entertainer and professional athletic team income tax shall be allocated annually to the Missouri  
 34 state library networking fund, and shall be transferred, subject to appropriations, from the general  
 35 revenue fund to the secretary of state for distribution to public libraries for acquisition of library  
 36 materials as established in section 182.812 and any amount transferred shall be in addition to such  
 37 agency's budget base for each fiscal year.

38       8. Notwithstanding other provisions of section 185.200 to the contrary, the commissioner of  
 39 administration, for all taxable years beginning on or after January 1, 1999, but for none after  
 40 December 31, 2030, shall estimate annually the amount of state income tax revenues collected  
 41 pursuant to this chapter which are received from nonresident members of professional athletic teams  
 42 and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period  
 43 of thirty-one years, ten percent of the annual estimate of taxes generated from the nonresident  
 44 entertainer and professional athletic team income tax shall be allocated annually to the Missouri  
 45 public television broadcasting corporation special fund, and shall be transferred, subject to  
 46 appropriations, from the general revenue fund to the Missouri public television broadcasting  
 47 corporation special fund, and any amount transferred shall be in addition to such agency's budget  
 48 base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be  
 49 used for grants to public radio stations which were qualified by the corporation for public

1 broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio  
2 stations in this state after receipt of the station's certification of operating and programming  
3 expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial  
4 statement submitted by a station to the corporation for public broadcasting. The grants shall be  
5 divided into two categories, an annual basic service grant and an operating grant. The basic service  
6 grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the  
7 public radio stations receiving grants. The remaining amount shall be distributed as an operating  
8 grant to the stations on the basis of the proportion that the total operating expenses of the individual  
9 station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal  
10 year for all Missouri public radio stations which are receiving grants.

11 9. Notwithstanding other provisions of section 253.402 to the contrary, the commissioner of  
12 administration, for all taxable years beginning on or after January 1, 1999, but for none after  
13 December 31, 2030, shall estimate annually the amount of state income tax revenues collected  
14 pursuant to this chapter which are received from nonresident members of professional athletic teams  
15 and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period  
16 of thirty-one years, ten percent of the annual estimate of taxes generated from the nonresident  
17 entertainer and professional athletic team income tax shall be allocated annually to the Missouri  
18 department of natural resources Missouri historic preservation revolving fund, and shall be  
19 transferred, subject to appropriations, from the general revenue fund to the Missouri department of  
20 natural resources Missouri historic preservation revolving fund established in section 253.402 and  
21 any amount transferred shall be in addition to such agency's budget base for each fiscal year.

22 10. This section shall not be construed to apply to any person who makes a presentation for  
23 professional or technical education purposes or to apply to any presentation that is part of a seminar,  
24 conference, convention, school, or similar program format designed to provide professional or  
25 technical education."; and

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.