

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 253

AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525,
2 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,
3 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997,
4 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775,
5 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578,
6 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151,
7 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049,
8 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140,
9 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710,
10 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015,
11 221.407, 238.235, 238.410, and 644.032, RSMo, are repealed and

1 seventy-nine new sections enacted in lieu thereof, to be known as
2 sections 32.070, 32.086, 32.087, 32.383, 66.620, 67.395, 67.525,
3 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,
4 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997,
5 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775, 67.1959,
6 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660,
7 94.705, 143.011, 143.021, 143.022, 143.071, 143.151, 143.221,
8 144.010, 144.014, 144.022, 144.030, 144.032, 144.040, 144.041,
9 144.042, 144.043, 144.049, 144.054, 144.070, 144.080, 144.082,
10 144.083, 144.084, 144.100, 144.105, 144.110, 144.123, 144.124,
11 144.125, 144.140, 144.210, 144.212, 144.285, 144.522, 144.526,
12 144.605, 144.655, 144.710, 221.407, 238.235, 238.410, and
13 644.032, to read as follows:

14 32.070. 1. The director of the department of revenue shall
15 enter into the streamlined sales and use tax agreement with one
16 or more states to simplify and modernize sales and use tax
17 administration in order to substantially reduce the burden of tax
18 compliance for all sellers and for all types of commerce. In
19 furtherance of the streamlined sales and use tax agreement, the
20 director of the department of revenue may act jointly with other
21 states that are members of the streamlined sales and use tax
22 agreement to establish standards for certification of a certified
23 service provider and certified automated system and establish
24 performance standards for multistate sellers.

25 2. The director of the department of revenue may take other
26 action reasonably required to implement the provisions set forth
27 in the streamlined sales and use tax administration act,
28 including, but not limited to, the promulgation of rules and the

1 joint procurement, with other member states, of goods and
2 services in furtherance of the streamlined sales and use tax
3 agreement.

4 3. For the purposes of representing the state as a member
5 of the agreement and, if necessary, amending the agreement, the
6 state shall be represented by three delegates, one of whom shall
7 be appointed by the governor, one shall be a member of the
8 general assembly appointed by mutual agreement of the president
9 pro tem of the senate and the speaker of the house of
10 representatives, with the director of the department of revenue
11 or the director's designee as the third delegate. The delegates
12 shall recommend to the committees responsible for reviewing tax
13 issues in the senate and the house of representatives each year
14 any amendment of state statutes required to be substantially in
15 compliance with the agreement. Such delegates shall make a
16 written report by the fifteenth day of January each year
17 regarding the status of the agreement.

18 4. The department of revenue shall promulgate rules
19 necessary to implement the provisions of the streamlined sales
20 and use tax agreement. Any rule or portion of a rule, as that
21 term is defined in section 536.010, that is created under the
22 authority delegated in this section shall become effective only
23 if it complies with and is subject to all of the provisions of
24 chapter 536 and, if applicable, section 536.028. This section
25 and chapter 536 are nonseverable and if any of the powers vested
26 with the general assembly pursuant to chapter 536 to review, to
27 delay the effective date, or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2013,
2 shall be invalid and void.

3 32.086. Notwithstanding any other provision of law, for all
4 local sales and use taxes collected by the department and
5 remitted to a political jurisdiction or taxing district, the
6 department shall remit one percent of the amount collected to the
7 general revenue fund to offset the cost of collection, unless a
8 greater amount is specified in the local sales and use tax law.
9 The department shall not commingle the remaining amounts
10 collected with general revenues and shall remit the remaining
11 amounts collected to the political jurisdiction or taxing
12 district less any credits for erroneous payments, overpayments,
13 and dishonored checks.

14 32.087. 1. Within ten days after the adoption of any
15 ordinance or order in favor of adoption of any local sales tax
16 authorized under the local sales tax law by the voters of a
17 taxing entity, the governing body or official of such taxing
18 entity shall forward to the director of revenue by United States
19 registered mail or certified mail a certified copy of the
20 ordinance or order. The ordinance or order shall reflect the
21 effective date thereof.

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

26 3. Every retailer within the jurisdiction of one or more
27 taxing entities which has imposed one or more local sales taxes
28 under the local sales tax law shall add all taxes so imposed

1 along with the tax imposed by the sales tax law of the state of
2 Missouri to the sale price and, when added, the combined tax
3 shall constitute a part of the price, and shall be a debt of the
4 purchaser to the retailer until paid, and shall be recoverable at
5 law in the same manner as the purchase price. The combined rate
6 of the state sales tax and all local sales taxes shall be the sum
7 of the rates, multiplying the combined rate times the amount of
8 the sale.

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

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

24 [6.] 5. On and after the effective date of any local sales
25 tax imposed under the provisions of the local sales tax law, the
26 director of revenue shall perform all functions incident to the
27 administration, collection, enforcement, and operation of the
28 tax, and the director of revenue shall collect in addition to the

1 sales tax for the state of Missouri all additional local sales
2 taxes authorized under the authority of the local sales tax law.
3 All local sales taxes imposed under the local sales tax law
4 together with all taxes imposed under the sales tax law of the
5 state of Missouri shall be collected together and reported upon
6 such forms and under such administrative rules and regulations as
7 may be prescribed by the director of revenue.

8 [7.] 6. All applicable provisions contained in sections
9 144.010 to 144.525 governing the state sales tax and section
10 32.057, the uniform confidentiality provision, shall apply to the
11 collection of any local sales tax imposed under the local sales
12 tax law except as modified by the local sales tax law.

13 [8.] 7. All exemptions granted to agencies of government,
14 organizations, persons and to the sale of certain articles and
15 items of tangible personal property and taxable services under
16 the provisions of sections 144.010 to 144.525, as these sections
17 now read and as they may hereafter be amended, it being the
18 intent of this general assembly to ensure that the same sales tax
19 exemptions granted from the state sales tax law also be granted
20 under the local sales tax law, are hereby made applicable to the
21 imposition and collection of all local sales taxes imposed under
22 the local sales tax law.

23 [9.] 8. The same sales tax permit, exemption certificate
24 and retail certificate required by sections 144.010 to 144.525
25 for the administration and collection of the state sales tax
26 shall satisfy the requirements of the local sales tax law, and no
27 additional permit or exemption certificate or retail certificate
28 shall be required; except that the director of revenue may

1 prescribe a form of exemption certificate for an exemption from
2 any local sales tax imposed by the local sales tax law.

3 [10.] 9. All discounts allowed the retailer under the
4 provisions of the state sales tax law for the collection of and
5 for payment of taxes under the provisions of the state sales tax
6 law are hereby allowed and made applicable to any local sales tax
7 collected under the provisions of the local sales tax law.

8 [11.] 10. The penalties provided in section 32.057 and
9 sections 144.010 to 144.525 for a violation of the provisions of
10 those sections are hereby made applicable to violations of the
11 provisions of the local sales tax law.

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

27 (2) For the purposes of any local sales tax imposed by an
28 ordinance or order under the local sales tax law, all sales of

1 motor vehicles, trailers, boats, and outboard motors shall be
2 deemed to be consummated at the residence of the purchaser and
3 not at the place of business of the retailer, or the place of
4 business from which the retailer's agent or employee works.

5 (3) For the purposes of any local tax imposed by an
6 ordinance or under the local sales tax law on charges for mobile
7 telecommunications services, all taxes of mobile
8 telecommunications service shall be imposed as provided in the
9 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116
10 through 124, as amended] shall be sourced as provided by sections
11 144.040 to 144.043.

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

19 [14.] 13. The director of revenue and any of [his] the
20 director's deputies, assistants and employees who have any duties
21 or responsibilities in connection with the collection, deposit,
22 transfer, transmittal, disbursement, safekeeping, accounting, or
23 recording of funds which come into the hands of the director of
24 revenue under the provisions of the local sales tax law shall
25 enter a surety bond or bonds payable to any and all taxing
26 entities in whose behalf such funds have been collected under the
27 local sales tax law in the amount of one hundred thousand dollars
28 for each such tax; but the director of revenue may enter into a

1 blanket bond covering ~~[himself]~~ the director and all such
2 deputies, assistants and employees. The cost of any premium for
3 such bonds shall be paid by the director of revenue from the
4 share of the collections under the sales tax law retained by the
5 director of revenue for the benefit of the state.

6 [15.] 14. The director of revenue shall annually report on
7 ~~[his]~~ the director's management of each trust fund which is
8 created under the local sales tax law and administration of each
9 local sales tax imposed under the local sales tax law. ~~[He]~~ The
10 director shall provide each taxing entity imposing one or more
11 local sales taxes authorized by the local sales tax law with a
12 detailed accounting of the source of all funds received by ~~[him]~~
13 the director for the taxing entity. Notwithstanding any other
14 provisions of law, the state auditor shall annually audit each
15 trust fund. A copy of the director's report and annual audit
16 shall be forwarded to each taxing entity imposing one or more
17 local sales taxes.

18 [16.] 15. Within the boundaries of any taxing entity where
19 one or more local sales taxes have been imposed, if any person is
20 delinquent in the payment of the amount required to be paid by
21 ~~[him]~~ such person under the local sales tax law or in the event a
22 determination has been made against ~~[him]~~ such person for taxes
23 and penalty under the local sales tax law, the limitation for
24 bringing suit for the collection of the delinquent tax and
25 penalty shall be the same as that provided in sections 144.010 to
26 144.525. Where the director of revenue has determined that suit
27 must be filed against any person for the collection of delinquent
28 taxes due the state under the state sales tax law, and where such

1 person is also delinquent in payment of taxes under the local
2 sales tax law, the director of revenue shall notify the taxing
3 entity in the event any person fails or refuses to pay the amount
4 of any local sales tax due so that appropriate action may be
5 taken by the taxing entity.

6 [17.] 16. Where property is seized by the director of
7 revenue under the provisions of any law authorizing seizure of
8 the property of a taxpayer who is delinquent in payment of the
9 tax imposed by the state sales tax law, and where such taxpayer
10 is also delinquent in payment of any tax imposed by the local
11 sales tax law, the director of revenue shall permit the taxing
12 entity to join in any sale of property to pay the delinquent
13 taxes and penalties due the state and to the taxing entity under
14 the local sales tax law. The proceeds from such sale shall first
15 be applied to all sums due the state, and the remainder, if any,
16 shall be applied to all sums due such taxing entity.

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

1 administrative cost or expense incurred by the state as a result
2 of the provisions of this subsection shall be paid by the city or
3 county reimposing such tax.

4 18. If the boundaries of a city in which a sales tax or use
5 tax has been imposed shall thereafter be changed or altered, the
6 city clerk shall forward to the director of revenue by United
7 States registered mail or certified mail a certified copy of the
8 ordinance adding or detaching territory from the city within ten
9 days of adoption of the ordinance. The ordinance shall reflect
10 the effective date of the ordinance and shall be accompanied by a
11 map of the city clearly showing the territory added or detached
12 from the city boundaries. Upon receipt of the ordinance and map,
13 the tax imposed under the local sales tax law or local use tax
14 law shall be effective in the added territory or abolished in the
15 detached territory on the first day of a calendar quarter after
16 one hundred twenty days' notice to sellers.

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

21 32.383. 1. Notwithstanding the provisions of any other law
22 to the contrary, with respect to taxes administered by the
23 department of revenue under this chapter and chapters 143, 144,
24 and 147, an amnesty from the assessment or payment of all
25 penalties, additions to tax, and interest shall apply with
26 respect to unpaid taxes or taxes due and owing reported and paid
27 in full from August 1, 2013, to October 31, 2013, regardless of
28 whether previously assessed, except for penalties, additions to

1 tax, and interest paid before August 1, 2013. The amnesty shall
2 apply only to tax liabilities due or due but unpaid on or before
3 December 31, 2012, and shall not extend to any taxpayer who at
4 the time of payment is a party to any criminal investigations or
5 to any civil or criminal litigation that is pending in any court
6 of the United States or this state for nonpayment, delinquency,
7 or fraud in relation to any state tax imposed by this state.

8 2. Upon written application by the taxpayer, on forms
9 prescribed by the director of revenue, and upon compliance with
10 the provisions of this section, the department of revenue shall
11 not seek to collect any penalty, addition to tax, or interest
12 that may be applicable. The department of revenue shall not seek
13 civil or criminal prosecution for any taxpayer for the taxable
14 period for which the amnesty has been granted unless subsequent
15 investigation or audit shows that the taxpayer engaged in
16 fraudulent or criminal conduct in applying for amnesty.

17 3. Amnesty shall be granted only to those taxpayers who
18 have applied for amnesty within the period stated in this
19 section, who have filed a tax return for each taxable period for
20 which amnesty is requested, who have paid the entire balance by
21 October 31, 2013, and who agree to comply with state tax laws for
22 the next eight years from the date of the agreement. No taxpayer
23 shall be entitled to a waiver of any penalty, addition to tax, or
24 interest under this section unless full payment of the tax due is
25 made in accordance with rules established by the director of
26 revenue.

27 4. All taxpayers granted amnesty under this section shall
28 in good faith comply with this state's tax laws for the eight

1 years following the date of the amnesty agreement. If any such
2 taxpayer fails to comply with all of this state's tax laws at any
3 time during the eight years following the date of the agreement,
4 all penalties, additions to tax, and interest that were waived
5 under the amnesty agreement shall become due and owing
6 immediately.

7 5. If a taxpayer is granted amnesty under this section,
8 such taxpayer shall not be eligible to participate in any future
9 amnesty for the same tax.

10 6. If a taxpayer elects to participate in the amnesty
11 program established in this section as evidenced by full payment
12 of the tax due as established by the director of revenue, that
13 election shall constitute an express and absolute relinquishment
14 of all administrative and judicial rights of appeal. No tax
15 payment received under this section shall be eligible for refund
16 or credit.

17 7. Nothing in this section shall be interpreted to disallow
18 the department of revenue to adjust a taxpayer's tax return as a
19 result of any state or federal audit.

20 8. All tax payments received as a result of the amnesty
21 program established in this section, other than revenues
22 earmarked by the Constitution of Missouri or this state's
23 statutes, shall be deposited in the state general revenue fund.

24 9. The department may promulgate rules or issue
25 administrative guidelines as are necessary to implement the
26 provisions of this section. Any rule or portion of a rule, as
27 that term is defined in section 536.010, that is created under
28 the authority delegated in this section shall become effective

1 only if it complies with and is subject to all of the provisions
2 of chapter 536 and, if applicable, section 536.028. This section
3 and chapter 536 are nonseverable and if any of the powers vested
4 with the general assembly under chapter 536 to review, to delay
5 the effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after July 1, 2013,
8 shall be invalid and void.

9 10. This section shall become effective on July 1, 2013,
10 and shall expire on December 31, 2021.

11 11. If any provision of this section or its application to
12 any person or circumstance is held invalid, the invalidity does
13 not affect other provisions or applications of this section which
14 can be given effect without the invalid provision or application,
15 and to this end the provisions of this section are severable.

16 66.620. 1. All county sales taxes collected by the
17 director of revenue under sections 66.600 to 66.630 on behalf of
18 any county[, less one percent for cost of collection which shall
19 be deposited in the state's general revenue fund after payment of
20 premiums for surety bonds as provided in section 32.087,] shall
21 be deposited in a special trust fund, which is hereby created, to
22 be known as the "County Sales Tax Trust Fund". [The moneys in
23 the county sales tax trust fund shall not be deemed to be state
24 funds and shall not be commingled with any funds of the state.]
25 The director of revenue shall keep accurate records of the amount
26 of money in the trust fund which was collected in each county
27 imposing a county sales tax, and the records shall be open to the
28 inspection of officers of the county and the public. Not later

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

10 2. In any county not adopting an additional sales tax and
11 alternate distribution system as provided in section 67.581, for
12 the purposes of distributing the county sales tax, the county
13 shall be divided into two groups, "Group A" and "Group B". Group
14 A shall consist of all cities, towns and villages which are
15 located wholly or partly within the county which levied the tax
16 and which had a city sales tax in effect under the provisions of
17 sections 94.500 to 94.550 on the day prior to the adoption of the
18 county sales tax ordinance, except that beginning January 1,
19 1980, group A shall consist of all cities, towns and villages
20 which are located wholly or partly within the county which levied
21 the tax and which had a city sales tax approved by the voters of
22 such city under the provisions of sections 94.500 to 94.550 on
23 the day prior to the effective date of the county sales tax. For
24 the purposes of determining the location of consummation of sales
25 for distribution of funds to cities, towns and villages in group
26 A, the boundaries of any such city, town or village shall be the
27 boundary of that city, town or village as it existed on March 19,
28 1984. Group B shall consist of all cities, towns and villages

1 which are located wholly or partly within the county which levied
2 the tax and which did not have a city sales tax in effect under
3 the provisions of sections 94.500 to 94.550 on the day prior to
4 the adoption of the county sales tax ordinance, and shall also
5 include all unincorporated areas of the county which levied the
6 tax; except that, beginning January 1, 1980, group B shall
7 consist of all cities, towns and villages which are located
8 wholly or partly within the county which levied the tax and which
9 did not have a city sales tax approved by the voters of such city
10 under the provisions of sections 94.500 to 94.550 on the day
11 prior to the effective date of the county sales tax and shall
12 also include all unincorporated areas of the county which levied
13 the tax.

14 3. Until January 1, 1994, the director of revenue shall
15 distribute to the cities, towns and villages in group A the taxes
16 based on the location in which the sales were deemed consummated
17 under section 66.630 and subsection 12 of section 32.087. Except
18 for distribution governed by section 66.630, after deducting the
19 distribution to the cities, towns and villages in group A, the
20 director of revenue shall distribute the remaining funds in the
21 county sales tax trust fund to the cities, towns and villages and
22 the county in group B as follows: To the county which levied the
23 tax, a percentage of the distributable revenue equal to the
24 percentage ratio that the population of the unincorporated areas
25 of the county bears to the total population of group B; and to
26 each city, town or village in group B located wholly within the
27 taxing county, a percentage of the distributable revenue equal to
28 the percentage ratio that the population of such city, town or

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

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

1 percentage ratio that the population of that part of the city,
2 town or village located within the taxing county bears to the
3 total population of group B.

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

16 (2) For purposes of this subsection, the "adjusted county
17 average" is the per capita countywide average of all sales tax
18 distributions during the prior calendar year reduced by the
19 percentage which is equal to ten percent multiplied by the
20 percentage of the population of unincorporated county which has
21 been annexed or incorporated after April 1, 1993; the
22 "redistribution formula" is as follows: During 1994, each group
23 A city, town and village shall receive that portion of the
24 revenues arising from sales occurring within the municipality
25 that remains after deducting therefrom an amount equal to the
26 cumulative sales tax revenues arising from sales within the
27 municipality multiplied by the percentage which is the sum of ten
28 percent multiplied by the percentage of the population of

1 unincorporated county which has been annexed or incorporated
2 after April 1, 1993, and the percentage, if greater than zero,
3 equal to the product of 8.5 multiplied by the logarithm (to base
4 10) of the product of 0.035 multiplied by the total of cumulative
5 per capita sales taxes arising from sales within the municipality
6 less the adjusted county average. During 1995, each group A
7 city, town and village shall receive that portion of the revenues
8 arising from sales occurring within the municipality that remains
9 after deducting therefrom an amount equal to the cumulative sales
10 tax revenues arising from sales within the municipality
11 multiplied by the percentage which is the sum of ten percent
12 multiplied by the percentage of the population of unincorporated
13 county which has been annexed or incorporated after April 1,
14 1993, and the percentage, if greater than zero, equal to the
15 product of seventeen multiplied by the logarithm (to base 10) of
16 the product of 0.035 multiplied by the total of cumulative per
17 capita sales taxes arising from sales within the municipality
18 less the adjusted county average. From January 1, 1996, until
19 January 1, 2000, each group A city, town and village shall
20 receive that portion of the revenues arising from sales occurring
21 within the municipality that remains after deducting therefrom an
22 amount equal to the cumulative sales tax revenues arising from
23 sales within the municipality multiplied by the percentage which
24 is the sum of ten percent multiplied by the percentage of the
25 population of unincorporated county which has been annexed or
26 incorporated after April 1, 1993, and the percentage, if greater
27 than zero, equal to the product of 25.5 multiplied by the
28 logarithm (to base 10) of the product of 0.035 multiplied by the

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

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

20 (4) Notwithstanding any other provision of this section,
21 the fifty percent of additional sales taxes as described in
22 section 99.845 arising from economic activities within the area
23 of a redevelopment project established after July 12, 1990,
24 pursuant to sections 99.800 to 99.865, while tax increment
25 financing remains in effect shall be deducted from all
26 calculations of countywide sales taxes, shall be distributed
27 directly to the municipality involved, and shall be disregarded
28 in calculating the amounts distributed or distributable to the

1 municipality. Further, any agreement, contract or covenant
2 entered into prior to July 12, 1990, between a municipality and
3 any other political subdivision which provides for an
4 appropriation of incremental sales tax revenues to the special
5 allocation fund of a tax increment financing project while tax
6 increment financing remains in effect shall continue to be in
7 full force and effect and the sales taxes so appropriated shall
8 be deducted from all calculations of countywide sales taxes,
9 shall be distributed directly to the municipality involved, and
10 shall be disregarded in calculating the amounts distributed or
11 distributable to the municipality. In addition, and
12 notwithstanding any other provision of this chapter to the
13 contrary, economic development funds shall be distributed in full
14 to the municipality in which the sales producing them were deemed
15 consummated. Additionally, economic development funds shall be
16 deducted from all calculations of countywide sales taxes and
17 shall be disregarded in calculating the amounts distributed or
18 distributable to the municipality. As used in this subdivision,
19 the term "economic development funds" means the amount of sales
20 tax revenue generated in any fiscal year by projects authorized
21 pursuant to chapter 99 or chapter 100 in connection with which
22 such sales tax revenue was pledged as security for, or was
23 guaranteed by a developer to be sufficient to pay, outstanding
24 obligations under any agreement authorized by chapter 100,
25 entered into or adopted prior to September 1, 1993, between a
26 municipality and another public body. The cumulative amount of
27 economic development funds allowed under this provision shall not
28 exceed the total amount necessary to amortize the obligations

1 involved.

2 6. If the qualified voters of any city, town or village
3 vote to change or alter its boundaries by annexing any
4 unincorporated territory included in group B or if the qualified
5 voters of one or more city, town or village in group A and the
6 qualified voters of one or more city, town or village in group B
7 vote to consolidate, the area annexed or the area consolidated
8 which had been a part of group B shall remain a part of group B
9 after annexation or consolidation. After the effective date of
10 the annexation or consolidation, the annexing or consolidated
11 city, town or village shall receive a percentage of the group B
12 distributable revenue equal to the percentage ratio that the
13 population of the annexed or consolidated area bears to the total
14 population of group B and such annexed area shall not be
15 classified as unincorporated area for determination of the
16 percentage allocable to the county. If the qualified voters of
17 any two or more cities, towns or villages in group A each vote to
18 consolidate such cities, towns or villages, then such
19 consolidated cities, towns or villages shall remain a part of
20 group A. For the purpose of sections 66.600 to 66.630,
21 population shall be as determined by the last federal decennial
22 census or the latest census that determines the total population
23 of the county and all political subdivisions therein. For the
24 purpose of calculating the adjustment based on the percentage of
25 unincorporated county population which is annexed after April 1,
26 1993, the accumulated percentage immediately before each census
27 shall be used as the new percentage base after such census.
28 After any annexation, incorporation or other municipal boundary

1 change affecting the unincorporated area of the county, the chief
2 elected official of the county shall certify the new population
3 of the unincorporated area of the county and the percentage of
4 the population which has been annexed or incorporated since April
5 1, 1993, to the director of revenue. After the adoption of the
6 county sales tax ordinance, any city, town or village in group A
7 may by adoption of an ordinance by its governing body cease to be
8 a part of group A and become a part of group B. Within ten days
9 after the adoption of the ordinance transferring the city, town
10 or village from one group to the other, the clerk of the
11 transferring city, town or village shall forward to the director
12 of revenue, by registered mail, a certified copy of the
13 ordinance. Distribution to such city as a part of its former
14 group shall cease and as a part of its new group shall begin on
15 the first day of January of the year following notification to
16 the director of revenue, provided such notification is received
17 by the director of revenue on or before the first day of July of
18 the year in which the transferring ordinance is adopted. If such
19 notification is received by the director of revenue after the
20 first day of July of the year in which the transferring ordinance
21 is adopted, then distribution to such city as a part of its
22 former group shall cease and as a part of its new group shall
23 begin the first day of July of the year following such
24 notification to the director of revenue. Once a group A city,
25 town or village becomes a part of group B, such city may not
26 transfer back to group A.

27 7. If any city, town or village shall hereafter change or
28 alter its boundaries, the city clerk of the municipality shall

1 forward to the director of revenue, by registered mail, a
2 certified copy of the ordinance adding or detaching territory
3 from the municipality. The ordinance shall reflect the effective
4 date thereof, and shall be accompanied by a map of the
5 municipality clearly showing the territory added thereto or
6 detached therefrom. Upon receipt of the ordinance and map, the
7 tax imposed by sections 66.600 to 66.630 shall be redistributed
8 and allocated in accordance with the provisions of this section
9 on the effective date of the change of the municipal boundary so
10 that the proper percentage of group B distributable revenue is
11 allocated to the municipality in proportion to any annexed
12 territory. If any area of the unincorporated county elects to
13 incorporate subsequent to the effective date of the county sales
14 tax as set forth in sections 66.600 to 66.630, the newly
15 incorporated municipality shall remain a part of group B. The
16 city clerk of such newly incorporated municipality shall forward
17 to the director of revenue, by registered mail, a certified copy
18 of the incorporation election returns and a map of the
19 municipality clearly showing the boundaries thereof. The
20 certified copy of the incorporation election returns shall
21 reflect the effective date of the incorporation. Upon receipt of
22 the incorporation election returns and map, the tax imposed by
23 sections 66.600 to 66.630 shall be distributed and allocated in
24 accordance with the provisions of this section on the effective
25 date of the incorporation.

26 8. The director of revenue may authorize the state
27 treasurer to make refunds from the amounts in the trust fund and
28 credited to any county for erroneous payments and overpayments

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

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

19 67.395. 1. All sales taxes collected by the director of
20 revenue under sections 67.391 to 67.395 on behalf of any county,
21 [less one percent for cost of collection which shall be deposited
22 in the state's general revenue fund after payment of premiums for
23 surety bonds as provided in section 32.087] shall be deposited
24 with the state treasurer in a special trust fund, which is hereby
25 created, to be known as the "County Anti-Drug Sales Tax Trust
26 Fund". [The moneys in the county anti-drug sales tax trust fund
27 shall not be deemed to be state funds and shall not be commingled
28 with any funds of the state.] The director of revenue shall keep

1 accurate records of the amount of money in the trust fund which
2 was collected in each county imposing a sales tax under sections
3 67.391 to 67.395, and the records shall be open to the inspection
4 of officers of the county and the public. Not later than the
5 tenth day of each month, the director of revenue shall distribute
6 all moneys deposited in the trust fund during the preceding month
7 to the county which levied the tax. Such funds shall be
8 deposited with the county treasurer of each such county, and all
9 expenditures of funds arising from the county anti-drug sales tax
10 trust fund shall be by an appropriation act to be enacted by the
11 governing body of each such county.

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

1 check redeemed from receipts due the county.

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

5 67.525. 1. All county sales taxes collected by the
6 director of revenue under sections 67.500 to 67.545 on behalf of
7 any county[, less one percent for cost of collection, which shall
8 be deposited in the state's general revenue fund after payment of
9 premiums for surety bonds as provided in section 32.087,] shall
10 be deposited with the state treasurer in a county sales tax trust
11 fund, which fund shall be separate and apart from the county
12 sales tax trust fund established by section 66.620. [The moneys
13 in such county sales tax trust fund shall not be deemed to be
14 state funds and shall not be commingled with any funds of the
15 state.] The director of revenue shall keep accurate records of
16 the amount of money in the trust fund which was collected in each
17 county imposing a county sales tax, and the records shall be open
18 to the inspection of officers of the county and to the public.
19 Not later than the tenth day of each month the director of
20 revenue shall distribute all moneys deposited in the trust fund
21 during the preceding month by distributing to the county
22 treasurer, or such other officer as may be designated by the
23 county ordinance or order, of each county imposing the tax
24 authorized by sections 67.500 to 67.545, the sum due the county
25 as certified by the director of revenue.

26 2. The director of revenue may authorize the state
27 treasurer to make refunds from the amounts in the trust fund and
28 credited to any county for erroneous payments and overpayments

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

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

19 67.571. 1. The governing body of any county of the first
20 classification with a population of more than eighty-two thousand
21 inhabitants and less than ninety thousand inhabitants may, in
22 addition to any tourism sales tax imposed pursuant to sections
23 67.671 to 67.685, by a majority vote, impose a sales tax for the
24 funding of museums and festivals. For purposes of this section,
25 the term "funding of museums and festivals" shall mean:

26 (1) Funding of museums operating in the county, which are
27 registered with the United States Internal Revenue Service as a
28 501(C)(3) corporation and which are considered by the board to be

1 tourism attractions; and

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

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

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

12 YES NO

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

1 organization.

2 4. Any sales tax imposed pursuant to this section shall be
3 imposed at a rate not to exceed two-tenths of one percent on
4 receipts from the sale of certain tangible personal property or
5 taxable services within the county pursuant to sections 67.571 to
6 67.577.

7 5. The governing body of any county which imposes a sales
8 tax pursuant to this section may establish a museums and
9 festivals board for the purpose of expending funds collected from
10 any sales tax submitted and approved by the county's voters
11 pursuant to this section. The board shall be comprised of six
12 members who are appointed by the governing body of the county
13 from a list of candidates supplied by the chair of each of the
14 two major political parties of the county. The board shall be
15 comprised of three members from each of the two political
16 parties. Members shall serve for three-year terms, but of the
17 members first appointed, one shall be appointed for a term of one
18 year, two shall be appointed for a term of two years, and two
19 shall be appointed for a term of three years. Each member shall
20 be a resident of the county from which he or she is appointed.
21 The members of the board shall not receive compensation for
22 service on the board, but shall be reimbursed from the tax
23 revenue money for any reasonable and necessary expenses incurred
24 in service on the board.

25 6. In the area of each county in which a sales tax has been
26 imposed in the manner provided by sections 67.571 to 67.577,
27 every retailer within such area shall add the tax imposed by the
28 provisions of sections 67.571 to 67.577 to his sale price, and

1 this tax shall be a debt of the purchaser to the retailer until
2 paid, and shall be recoverable at law in the same manner as the
3 purchase price.

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

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

18 67.576. 1. The following provisions shall govern the
19 collection of the tax imposed by the provisions of sections
20 67.571 to 67.577:

21 (1) All applicable provisions contained in sections 144.010
22 to 144.510 governing the state sales tax and section 32.057, the
23 uniform confidentiality provision, shall apply to the collection
24 of the tax imposed by the provisions of sections 67.571 to
25 67.577;

26 (2) All exemptions granted to agencies of government,
27 organizations, and persons under the provisions of sections
28 144.010 to 144.510 are hereby made applicable to the imposition

1 and collection of the tax imposed by sections 67.571 to 67.577.

2 2. The same sales tax permit, exemption certificate and
3 retail certificate required by sections 144.010 to 144.510 for
4 the administration and collection of the state sales tax shall
5 satisfy the requirements of sections 67.571 to 67.577, and no
6 additional permit or exemption certificate or retail certificate
7 shall be required; except that, the director of revenue may
8 prescribe a form of exemption certificate for an exemption from
9 the tax imposed by sections 67.571 to 67.577.

10 3. All discounts allowed the retailer pursuant to the
11 provisions of the state sales tax law for the collection of and
12 for payment of taxes pursuant to that act are hereby allowed and
13 made applicable to any taxes collected pursuant to the provisions
14 of sections 67.571 to 67.577.

15 4. The penalties provided in section 32.057 and sections
16 144.010 to 144.510 for a violation of those acts are hereby made
17 applicable to violations of the provisions of sections 67.571 to
18 67.577.

19 5. [For the purposes of the sales tax imposed by an order
20 pursuant to sections 67.571 to 67.577, all retail sales shall be
21 deemed to be consummated at the place of business of the
22 retailer] Except as provided in sections 67.571 to 67.577, all
23 provisions of sections 32.085 to 32.087 shall apply to the tax
24 imposed under sections 67.571 to 67.577.

25 67.578. 1. The governing authority of any county of the
26 third classification without a township form of government and
27 with more than sixteen thousand four hundred but less than
28 sixteen thousand five hundred inhabitants may impose a sales tax

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

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

17 Shall the county of (insert the name of the
18 county) impose a sales tax of (insert rate of percent)
19 percent for the funding of museums? "Museums" means museums
20 operating in the county, which are registered with the United
21 States Internal Revenue Service as a 501(c)(3) corporation and
22 which are considered by the museum board to be a tourism
23 attraction.

24 YES NO

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

28

1 If a majority of the votes cast on the proposal by the qualified
2 voters voting thereon are in favor of the proposal, then the
3 sales tax shall become effective on the first day of the second
4 calendar quarter after the director of revenue receives notice of
5 the adoption of the tax. If the proposal receives less than the
6 required majority of votes, then the governing authority shall
7 have no power to impose the tax unless and until the governing
8 authority has again submitted another proposal to authorize the
9 governing authority to impose the sales tax authorized by this
10 section and such proposal is approved by the required majority of
11 the qualified voters voting thereon. 3. On or after the
12 effective date of the tax, the director of revenue shall be
13 responsible for the administration, collection, enforcement, and
14 operation of the tax, and sections 32.085 [and] to 32.087 shall
15 apply. The director may retain an amount not to exceed one
16 percent for deposit in the general revenue fund to offset the
17 costs of collection. In order to permit sellers required to
18 collect and report the sales tax to collect the amount required
19 to be reported and remitted, but not to change the requirements
20 of reporting or remitting the tax, or to serve as a levy of the
21 tax, and in order to avoid fractions of pennies, the governing
22 authority may authorize the use of a bracket system similar to
23 that authorized in section 144.285, and notwithstanding the
24 provisions of that section, this new bracket system shall be used
25 where this tax is imposed and shall apply to all taxable
26 transactions. Beginning with the effective date of the tax,
27 every retailer in the county shall add the sales tax to the sale
28 price, and this tax shall be a debt of the purchaser to the

1 retailer until paid, and shall be recoverable at law in the same
2 manner as the purchase price. For purposes of this section, all
3 retail sales shall be deemed to be consummated at the place of
4 business of the retailer.

5 4. All applicable provisions in sections 144.010 to 144.525
6 governing the state sales tax, and section 32.057, the uniform
7 confidentiality provision, shall apply to the collection of the
8 tax, and all exemptions granted to agencies of government,
9 organizations, and persons pursuant to sections 144.010 to
10 144.525 are hereby made applicable to the imposition and
11 collection of the tax. The same sales tax permit, exemption
12 certificate, and retail certificate required by sections 144.010
13 to 144.525 for the administration and collection of the state
14 sales tax shall satisfy the requirements of this section, and no
15 additional permit or exemption certificate or retail certificate
16 shall be required; except that, the director of revenue may
17 prescribe a form of exemption certificate for an exemption from
18 the tax. All discounts allowed the retailer pursuant to the
19 state sales tax law for the collection of and for payment of
20 taxes are hereby allowed and made applicable to the tax. The
21 penalties for violations provided in section 32.057 and sections
22 144.010 to 144.525 are hereby made applicable to violations of
23 this section. If any person is delinquent in the payment of the
24 amount required to be paid pursuant to this section, or in the
25 event a determination has been made against the person for taxes
26 and penalty pursuant to this section, the limitation for bringing
27 suit for the collection of the delinquent tax and penalty shall
28 be the same as that provided in sections 144.010 to 144.525.

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

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

27 Shall the county of (insert name of
28 county) repeal the sales tax of (insert rate of percent)

1 percent for the funding of museums?

2 YES NO

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

6 [If a majority of the votes cast on the proposal are in favor of
7 repeal, that repeal shall become effective on December
8 thirty-first of the calendar year in which the repeal was
9 approved.]

10 67.581. 1. In addition to the sales tax permitted by
11 sections 66.600 to 66.630, any county of the first class having a
12 charter form of government and having a population of nine
13 hundred thousand or more may impose an additional countywide
14 sales tax upon approval by a vote of the qualified voters of the
15 county. The proposal may be submitted to the voters by the
16 governing body of the county and shall be submitted to the voters
17 at the next general election upon petitions signed by a number of
18 qualified voters residing in the county equal to at least eight
19 percent of the votes cast in the county in the next preceding
20 gubernatorial election filed with the governing body of the
21 county. The submission shall include the levying of a sales tax
22 at a rate of not to exceed two hundred seventy-five
23 one-thousandths of one percent on the receipts from the sale at
24 retail of all tangible personal property or taxable services
25 within the county which are also taxable under the provisions of
26 sections 66.600 to 66.630, and shall provide for the distribution
27 of the proceeds in the manner provided in either subsection 4 or
28 subsection 5 of this section. If either of the alternative

1 distribution systems as provided in subsection 4 or subsection 5
2 of this section is approved by the voters, then the alternative
3 system of distribution may not be submitted to the voters for at
4 least three years from the date of such voter approval.

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

7 Shall the County of levy an additional sales
8 tax at the rate of (insert rate) and distribute the
9 proceeds in the manner provided in

10 (insert proper reference) (subsection 4) (subsection 5) of section
11 67.581, RSMo?

12 YES NO

13 If a majority of the votes cast on the proposal by the qualified
14 voters voting thereon are in favor of the proposal, the
15 additional sales tax shall be levied and collected and the
16 proceeds from the additional tax shall be distributed as provided
17 in either subsection 4 or subsection 5 of this section.

18
19 If a majority of the votes cast by the qualified voters voting
20 thereon are opposed to the proposal, then the governing body of
21 the county shall have no power to impose the additional sales tax
22 authorized by this section unless and until a proposal for the
23 levy of such tax is submitted to and approved by the voters of
24 the county.

25 3. The provisions of sections 66.600 to 66.630 and sections
26 32.085 [and] to 32.087, except to the extent otherwise provided
27 in this section, shall govern the levy, collection, distribution
28 and other procedures related to an additional sales tax imposed

1 pursuant to this section.

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

27 5. In any county adopting an additional sales tax pursuant
28 to the provisions of this section and selecting the method of

1 distribution provided in this subsection, the proceeds from the
2 sales tax imposed pursuant to this section, less one percent
3 collection cost, shall be distributed to all cities, towns and
4 villages, and the unincorporated areas of the county in group B
5 and to such cities, towns and villages in group A as necessary so
6 that no city, town, or village in group A receives from the
7 combined proceeds of both the sales tax imposed pursuant to this
8 section and the sales tax imposed pursuant to sections 66.600 to
9 66.630, less than the per capita amount received by the cities,
10 towns and villages and the unincorporated area of the county in
11 group B receives from the total proceeds from both sales taxes.

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

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

28 YES NO

1 If a majority of the votes cast on the proposal by the qualified
2 voters of the county voting thereon are in favor of the proposal,
3 the sales tax imposed by the county under the provisions of
4 sections 66.600 to 66.630 shall be distributed in the manner
5 provided in this subsection and not in the manner provided in
6 subsection 2 of section 66.620.

7
8 If a majority of the votes cast by the qualified voters of the
9 county voting thereon are opposed to the proposal, then the
10 governing body of the county shall have no power to order the
11 proceeds from the sales tax imposed pursuant to the provisions of
12 sections 66.600 to 66.630 in the manner provided in this
13 subsection in lieu of the method provided in subsection 2 of
14 section 66.620, unless and until a proposal authorizing such
15 method of distribution is submitted to and approved by the voters
16 of the county. If the voters approve the change in the method of
17 distribution of the sales tax proceeds in the manner provided in
18 this subsection, the county clerk of the county shall notify the
19 director of revenue of the change in the method of distribution
20 within ten days after adoption of the proposal and shall inform
21 the director of the effective date of the change in the method of
22 distribution, which shall be on the first day of the third
23 calendar quarter after the director of revenue receives notice.
24 After the effective date of the change in the manner of
25 distribution, the director of revenue shall distribute the
26 proceeds of the sales tax imposed by such county under the
27 provisions of sections 66.600 to 66.630 in the manner provided in
28 this subsection in lieu of the manner of distribution provided in

1 subsection 2 of section 66.620. The proceeds of the sales tax
2 imposed under the provisions of sections 66.600 to 66.630 in any
3 county which elects to have the proceeds distributed in the
4 manner provided in this subsection shall be distributed in the
5 following manner:

6 (1) The proceeds from the sales taxes shall be distributed
7 to the cities, towns and villages in group A and to the cities,
8 towns and villages, and the county in group B as defined in
9 section 66.620 in the manner provided in subsection 2 of section
10 66.620, until an amount equal to the total amount distributed
11 under section 66.620 for the twelve-month period immediately
12 preceding the effective date of the tax levied pursuant to the
13 provisions of this section has been distributed;

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

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

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

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

27 10. The director of revenue may authorize the state
28 treasurer to make refunds from the amounts in the trust fund and

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

17 67.582. 1. The governing body of any county, except a
18 county of the first class with a charter form of government with
19 a population of greater than four hundred thousand inhabitants,
20 is hereby authorized to impose, by ordinance or order, a sales
21 tax in the amount of up to one-half of one percent on all retail
22 sales made in such county which are subject to taxation under the
23 provisions of sections 144.010 to 144.525 for the purpose of
24 providing law enforcement services for such county. The tax
25 authorized by this section shall be in addition to any and all
26 other sales taxes allowed by law, except that no ordinance or
27 order imposing a sales tax under the provisions of this section
28 shall be effective unless the governing body of the county

1 submits to the voters of the county, at a county or state
2 general, primary or special election, a proposal to authorize the
3 governing body of the county to impose a tax.

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

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

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

12 YES NO

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

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

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

1 YES NO

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

5
6 If a majority of the votes cast on the proposal by the qualified
7 voters voting thereon are in favor of the proposal submitted
8 pursuant to subdivision (1) of this subsection, then the
9 ordinance or order and any amendments thereto shall be in effect
10 [on the first day of the second quarter immediately following the
11 election approving the proposal] as provided by section 32.087.

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

28 3. All revenue received by a county from the tax authorized

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

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

15 5. All sales taxes collected by the director of revenue
16 under this section on behalf of any county[, less one percent for
17 cost of collection which shall be deposited in the state's
18 general revenue fund after payment of premiums for surety bonds
19 as provided in section 32.087,] shall be deposited in a special
20 trust fund, which is hereby created, to be known as the "County
21 Law Enforcement Sales Tax Trust Fund". [The moneys in the county
22 law enforcement sales tax trust fund shall not be deemed to be
23 state funds and shall not be commingled with any funds of the
24 state.] The director of revenue shall keep accurate records of
25 the amount of money in the trust and which was collected in each
26 county imposing a sales tax under this section, and the records
27 shall be open to the inspection of officers of the county and the
28 public. Not later than the tenth day of each month the director

1 of revenue shall distribute all moneys deposited in the trust
2 fund during the preceding month to the county which levied the
3 tax; such funds shall be deposited with the county treasurer of
4 each such county, and all expenditures of funds arising from the
5 county law enforcement sales tax trust fund shall be by an
6 appropriation act to be enacted by the governing body of each
7 such county. Expenditures may be made from the fund for any law
8 enforcement functions authorized in the ordinance or order
9 adopted by the governing body submitting the law enforcement tax
10 to the voters.

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

1 receipts due the county.

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

5 67.583. 1. The governing body of any county of the second
6 class with a population of more than forty thousand but less than
7 sixty thousand and which contains institutions operated by the
8 department of corrections and by the department of mental health
9 is hereby authorized to impose, by ordinance or order, a sales
10 tax in the amount of one-eighth of one percent on all retail
11 sales made in such county which are subject to taxation under the
12 provisions of sections 144.010 to 144.525. The tax authorized by
13 this section shall be in addition to any and all other sales
14 taxes allowed by law; provided, however, that no ordinance or
15 order imposing a sales tax under the provisions of this section
16 shall be effective unless the governing body of the county
17 submits to the voters of the county, at a county or state
18 general, primary or special election, a proposal to authorize the
19 governing body of the county to impose a tax.

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

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

26 YES NO

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

1 in the box opposite "No".

2

3 If a majority of the votes cast on the proposal by the qualified
4 voters voting thereon are in favor of the proposal, then the
5 ordinance or order and any amendments thereto shall be in effect.

6 If a majority of the votes cast by the qualified voters voting
7 are opposed to the proposal, then the governing body of the
8 county shall have no power to impose the sales tax herein
9 authorized unless and until the governing body of the county
10 shall again have submitted another proposal to authorize the
11 governing body of the county to impose the sales tax authorized
12 by this section and such proposal is approved by a majority of
13 the qualified voters voting thereon. However, in no event shall
14 a proposal pursuant to this section be submitted to the voters
15 sooner than twelve months from the date of the last proposal
16 pursuant to this section.

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

22 4. All sales taxes collected by the director of revenue
23 under this section on behalf of any county[, less one percent for
24 cost of collection which shall be deposited in the state's
25 general revenue fund after payment of premiums for surety bonds
26 as provided in section 32.087,] shall be deposited in a special
27 trust fund, which is hereby created, to be known as the "County
28 Employee Benefit Sales Tax Trust Fund". [The moneys in the

1 county employee benefit sales tax trust fund shall not be deemed
2 to be state funds and shall not be commingled with any funds of
3 the state.] The director of revenue shall keep accurate records
4 of the amount of money in the trust and which was collected in
5 each county imposing a sales tax under this section, and the
6 records shall be open to the inspection of officers of the county
7 and the public. Not later than the tenth day of each month, the
8 director of revenue shall distribute all moneys deposited in the
9 trust fund during the preceding month to the county which levied
10 the tax. Such funds shall be deposited with the county treasurer
11 of each such county, and all expenditures of funds arising from
12 the county employee benefit sales tax trust fund shall be for the
13 provision of retirement benefits or health care benefits for
14 employees of the county and their dependents and for no other
15 purpose. 5. The director of revenue may authorize the
16 state treasurer to make refunds from the amounts in the trust
17 fund and credited to any county for erroneous payments and
18 overpayments made and may redeem dishonored checks and drafts
19 deposited to the credit of such counties. If any county
20 abolishes the tax, the county shall notify the director of
21 revenue of the action at least ninety days prior to the effective
22 date of the repeal and the director of revenue may order
23 retention in the trust fund, for a period of one year, of two
24 percent of the amount collected after receipt of such notice to
25 cover possible refunds or overpayment of the tax and to redeem
26 dishonored checks and drafts deposited to the credit of such
27 accounts. After one year has elapsed after the effective date of
28 abolition of the tax in such county, the director of revenue

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

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

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

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

27 Shall the county of (county's name) impose a
28 countywide sales tax of (insert amount) for the

1 purpose of providing law enforcement services for the county?

2 YES NO

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

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

23 3. Twenty-five percent of the revenue received by a county
24 treasurer from the tax authorized pursuant to this section shall
25 be deposited in a special trust fund and shall be used solely by
26 a prosecuting attorney's office for such county for so long as
27 the tax shall remain in effect. The remainder of revenue shall
28 be deposited in the county law enforcement sales tax trust fund

1 established pursuant to section 67.582 of the county levying the
2 tax pursuant to this section. The revenue derived from the tax
3 imposed pursuant to this section shall be used for public law
4 enforcement services only. No revenue derived from the tax
5 imposed pursuant to this section shall be used for any private
6 contractor providing law enforcement services or for any private
7 jail.

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

15 5. All sales taxes collected by the director of revenue
16 pursuant to this section on behalf of any county[, less one
17 percent for cost of collection which shall be deposited in the
18 state's general revenue fund after payment of premiums for surety
19 bonds as provided in section 32.087,] shall be deposited in a
20 special trust fund, which is hereby created, to be known as the
21 "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in
22 the county law enforcement sales tax trust fund, pursuant to the
23 deposit ratio in subsection 3 of this section. [The moneys in
24 the trust funds shall not be deemed to be state funds and shall
25 not be commingled with any funds of the state.] The director of
26 revenue shall keep accurate records of the amount of money in the
27 trusts and which was collected in each county imposing a sales
28 tax pursuant to this section, and the records shall be open to

1 the inspection of officers of the county and the public. Not
2 later than the tenth day of each month the director of revenue
3 shall distribute all moneys deposited in the trust funds during
4 the preceding month to the county which levied the tax; such
5 funds shall be deposited with the county treasurer of each such
6 county, and all expenditures of funds arising from either trust
7 fund shall be by an appropriation act to be enacted by the
8 governing body of each such county. Expenditures may be made
9 from the funds for any functions authorized in the ordinance or
10 order adopted by the governing body submitting the tax to the
11 voters.

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

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

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

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

28 2. The director of revenue may authorize the state

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

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

23 67.713. 1. Notwithstanding the provisions of section
24 67.712, as to the disposition of any other sales tax imposed
25 under the provisions of sections 67.700 to 67.727, one-fifth of
26 the sales taxes collected by the director of revenue from the tax
27 authorized by section 67.701 on behalf of any county of the first
28 class having a charter form of government and having a population

1 of nine hundred thousand or more[, less one percent for cost of
2 collection, which shall be deposited in the state's general
3 revenue fund after payment of premiums for surety bonds as
4 provided in sections 67.700 to 67.727,] shall be deposited in a
5 special trust fund, which is hereby created, to be known as the
6 "County-Municipal Storm Water and Public Works Sales Tax Trust
7 Fund". [The moneys in the county-municipal storm water and
8 public works sales tax trust fund shall not be deemed to be state
9 funds and shall not be commingled with any funds of the state.]
10 The director of revenue shall keep accurate records of the amount
11 of money in the trust fund which was collected in each county and
12 the records shall be open to the inspection of officers of the
13 county and of the municipalities within the county and the
14 public. Not later than the tenth day of each month, the director
15 of the department of revenue shall distribute all moneys
16 deposited in the county-municipal storm water and public works
17 sales tax trust fund during the preceding month to the county
18 which levied the tax, and the municipalities which are located
19 wholly or partially within such county as follows:

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

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

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

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

27 3. If the governing body of any municipality located wholly
28 or partially within the county so requests by resolution, no

1 funds shall be expended from the proceeds of any tax imposed
2 under section 67.701 within the corporate boundaries of the
3 requesting municipality for the construction, reconstruction or
4 widening of any road established or to be established pursuant to
5 section 137.558, the total cost of which exceeds one hundred
6 thousand dollars unless:

7 (a) A public hearing is first held at a place near such
8 proposed action; and

9 (b) Plans and specifications of such proposed action are
10 prepared and a cost-benefit analysis prepared in accordance with
11 accepted accounting principles of such proposed action is
12 presented to such public hearing.

13
14 Such cost-benefit analysis and its work papers shall be a public
15 document and subject to inspection as provided in chapter 610.
16 The provisions of this subsection shall not apply to proposed
17 projects in unincorporated areas of the county.

18 67.729. 1. Any county except any first class county having
19 a charter form of government and having a population of nine
20 hundred thousand or more may, in the same manner and by the same
21 procedure and subject to the same penalties as set out in
22 sections 67.700 to 67.727, impose a sales tax of not more than
23 one-tenth of one percent for the purpose of funding storm water
24 control and public works projects other than stadiums or other
25 sports facilities. This sales tax shall be in addition to any
26 other sales tax authorized by law.

27 2. Notwithstanding the provisions of section 67.712 as to
28 the disposition of any other sales tax imposed under the

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

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

26 (2) Each municipality located wholly within the county
27 which levied the tax shall receive a percentage of the
28 distributable revenue equal to the percentage ratio that the

1 population of such municipality bears to the total population of
2 the county; and

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

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

1 67.737. Except as modified in sections 67.730 to 67.739,
2 all provisions of sections 32.085 [and] to 32.087 shall apply to
3 the tax imposed under sections 67.730 to 67.739.

4 67.738. 1. All sales taxes collected by the director of
5 revenue under sections 67.730 to 67.739 on behalf of any county
6 [, less one percent for the cost of collection, which shall be
7 deposited in the state's general revenue fund after payment of
8 premiums for surety bonds as provided in section 32.087,] shall
9 be deposited with the state treasurer in a special trust fund,
10 which is hereby created, to be known as the "County Capital
11 Improvement Bond Sales Tax Trust Fund". [The moneys in the
12 county capital improvement bond sales tax trust fund shall not be
13 deemed to be state funds and shall not be commingled with any
14 funds of the state.] The director of revenue shall keep accurate
15 records of the amount of money in the trust fund which was
16 collected in each county imposing a sales tax under sections
17 67.730 to 67.739, and the records shall be open to the inspection
18 of officers of each county and the general public. Not later
19 than the tenth day of each month the director of revenue shall
20 distribute all moneys deposited in the trust fund during the
21 preceding month by distributing to the county treasurer, or such
22 other officer as may be designated by the county ordinance or
23 order, of each county imposing the tax authorized by sections
24 67.730 to 67.739, the sum, as certified by the director of
25 revenue, due the county.

26 2. The director of revenue may authorize the state
27 treasurer to make refund from the amounts in the trust fund and
28 credited to any county for erroneous payments and overpayments

1 made, and may redeem dishonored checks and drafts deposited to
2 the credit of such counties. If any county repeals the tax
3 authorized by sections 67.730 to 67.739, the county shall notify
4 the director of revenue of the action at least ninety days prior
5 to the effective date of the repeal or expiration and the repeal
6 shall be effective as provided by section 32.087. The director
7 of revenue may order retention in the trust fund, for a period of
8 one year, of two percent of the amount collected after receipt of
9 such notice to cover possible refunds or overpayment of such tax
10 and to redeem dishonored checks and drafts deposited to the
11 credit of such accounts. After one year has elapsed after the
12 effective date of repeal or expiration of the tax authorized by
13 sections 67.730 to 67.739 in such county, the director of revenue
14 shall remit the balance in the account to the county and close
15 the account of that county. The director of revenue shall notify
16 each county of each instance of any amount refunded or any check
17 redeemed from receipts due the county.

18 67.745. 1. Any county of the third classification without
19 a township form of government and with more than eleven thousand
20 seven hundred fifty but fewer than eleven thousand eight hundred
21 fifty inhabitants may impose a sales tax throughout the county
22 for public recreational projects and programs, but the sales tax
23 authorized by this section shall not become effective unless the
24 governing body of such county submits to the qualified voters of
25 the county a proposal to authorize the county to impose the sales
26 tax.

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

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

6 YES NO

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

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

21 5. All revenue
22 collected from the sales tax under this section by the director
23 of revenue on behalf of a county[, less one percent for the cost
24 of collection which shall be deposited in the state's general
25 revenue fund after payment of premiums for surety bonds as
26 provided in section 32.087,] shall be deposited with the state
27 treasurer in a special trust fund, which is hereby created, to be
28 known as the "County Recreation Sales Trust Fund". [Moneys in
the fund shall not be deemed to be state funds and shall not be

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

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

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

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

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

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

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

19 67.782. 1. Any county of the third class having a
20 population of more than ten thousand and less than fifteen
21 thousand and any county of the second class having a population
22 of more than fifty-eight thousand and less than seventy thousand
23 adjacent to such third class county, both counties making up the
24 same judicial circuit, may jointly impose a sales tax throughout
25 each of their respective counties for public recreational
26 purposes including the financing, acquisition, construction,
27 operation and maintenance of recreational projects and programs,
28 but the sales taxes authorized by this section shall not become

1 effective unless the governing body of each such county submits
2 to the voters of their respective counties a proposal to
3 authorize the counties to impose the sales tax.

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

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

12 YES NO

13 If a separate majority of the votes cast on the proposal by the
14 qualified voters voting thereon in each county are in favor of
15 the proposal, then the tax shall be in effect in both counties.

16 If a majority of the votes cast by the qualified voters voting
17 thereon in either county are opposed to the proposal, then the
18 governing body of neither county shall have power to impose the
19 sales tax authorized by this section unless or until the
20 governing body of the county that has not approved the tax shall
21 again have submitted another proposal to authorize the governing
22 body to impose the tax, and the proposal is approved by a
23 majority of the qualified voters voting thereon in that county.

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

1 to 144.525.

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

22 5. The director of revenue may authorize the state
23 treasurer to make refunds from the amounts in the trust fund and
24 credited to any county for erroneous payments and overpayments
25 made, and may redeem dishonored checks and drafts deposited to
26 the credit of such counties. Each county shall notify the
27 director of revenue at least ninety days prior to the effective
28 date of the expiration of the sales tax authorized by this

1 section and the repeal shall be effective as provided by section
2 32.087. The director of revenue may order retention in the trust
3 fund, for a period of one year, of two percent of the amount
4 collected after receipt of such notice to cover possible refunds
5 or overpayment of such tax and to redeem dishonored checks and
6 drafts deposited to the credit of such accounts. After one year
7 has elapsed after the date of expiration of the tax authorized by
8 this section in such county, the director of revenue shall remit
9 the balance in the account to the county and close the account of
10 that county. The director of revenue shall notify each county of
11 each instance of any amount refunded or any check redeemed from
12 receipts due the county.

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

16 7. Any county imposing a sales tax pursuant to the
17 provisions of this section may contract with the authority of any
18 other county or with any city or political subdivision for the
19 financing, acquisition, operation, construction, maintenance, or
20 utilization of any recreation facility or project or program
21 funded in whole or in part from revenues derived from the tax
22 levied pursuant to the provisions of this section.

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

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

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

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

17 67.799. 1. A regional recreational district may, by a
18 majority vote of its board of directors, impose an annual
19 property tax for the establishment and maintenance of public
20 parks and recreational facilities and grounds within the
21 boundaries of the regional recreational district not to exceed
22 sixty cents per year on each one hundred dollars of assessed
23 valuation on all property within the district, except that no
24 such tax shall become effective unless the board of directors of
25 the district submits to the voters of the district, at a county
26 or state general, primary or special election, a proposal to
27 authorize the tax.

28 2. The question shall be submitted in substantially the

1 following form:

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

4 YES NO

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

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

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

1 such tax approve such tax.

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

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

7 YES NO

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

18 5. As used in this section, "qualified voters" or "voters"
19 means any individuals residing within the proposed district who
20 are eligible to be registered voters and who have registered to
21 vote under chapter 115 or, if no individuals eligible and
22 registered to vote reside within the proposed district, all of
23 the owners of real property located within the proposed district
24 who have unanimously petitioned for or consented to the adoption
25 of an ordinance by the governing body imposing a tax authorized
26 in this section. If the owner of the property within the
27 proposed district is a political subdivision or corporation of
28 the state, the governing body of such political subdivision or

1 corporation shall be considered the owner for purposes of this
2 section.

3 67.997. 1. The governing body of any county of the third
4 classification without a township form of government and with
5 more than eighteen thousand one hundred but fewer than eighteen
6 thousand two hundred inhabitants may impose, by order or
7 ordinance, a sales tax on all retail sales made within the county
8 which are subject to sales tax under chapter 144. The tax
9 authorized in this section shall not exceed one-fourth of one
10 percent, and shall be imposed solely for the purpose of funding
11 senior services and youth programs provided by the county.
12 One-half of all revenue collected under this section[, less
13 one-half the cost of collection,] shall be used solely to fund
14 any service or activity deemed necessary by the senior service
15 tax commission established in this section, and one-half of all
16 revenue collected under this section[, less one-half the cost of
17 collection,] shall be used solely to fund all youth programs
18 administered by an existing county community task force. The tax
19 authorized in this section shall be in addition to all other
20 sales taxes imposed by law, and shall be stated separately from
21 all other charges and taxes. The order or ordinance shall not
22 become effective unless the governing body of the county submits
23 to the voters residing within the county at a state general,
24 primary, or special election a proposal to authorize the
25 governing body of the county to impose a tax under this section.

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

28 Shall (insert

1 the name of the county) impose a sales tax at a rate of
2 (insert rate of percent) percent, with half of the
3 revenue from the tax, less one-half the cost of collection, to be
4 used solely to fund senior services provided by the county and
5 half of the revenue from the tax, less one-half the cost of
6 collection, to be used solely to fund youth programs provided by
7 the county?

8 YES NO

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

12
13 If a majority of the votes cast on the question by the qualified
14 voters voting thereon are in favor of the question, then the tax
15 shall become effective on the first day of the second calendar
16 quarter immediately following the approval of the tax or
17 notification to the department of revenue if such tax will be
18 administered by the department of revenue. If a majority of the
19 votes cast on the question by the qualified voters voting thereon
20 are opposed to the question, then the tax shall not become
21 effective unless and until the question is resubmitted under this
22 section to the qualified voters and such question is approved by
23 a majority of the qualified voters voting on the question.

24 3. [On or after the effective date of any tax authorized
25 under this section, the county which imposed the tax shall enter
26 into an agreement with the director of the department of revenue
27 for the purpose of collecting the tax authorized in this section.
28 On or after the effective date of the tax the director of revenue

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

21 4. [In order to permit sellers required to collect and
22 report the sales tax to collect the amount required to be
23 reported and remitted, but not to change the requirements of
24 reporting or remitting the tax, or to serve as a levy of the tax,
25 and in order to avoid fractions of pennies, the governing body of
26 the county may authorize the use of a bracket system similar to
27 that authorized in section 144.285 and notwithstanding the
28 provisions of that section, this new bracket system shall be used

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

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

1 made against the person for taxes and penalty under this section,
2 the limitation for bringing suit for the collection of the
3 delinquent tax and penalty shall be the same as that provided in
4 sections 144.010 to 144.525].

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

10 Shall (insert the name of
11 the county) repeal the sales tax imposed at a rate of
12 (insert rate of percent) percent for the purpose
13 of funding senior services and youth programs provided by the
14 county?

15 YES NO

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

19
20 If a majority of the votes cast on the question by the qualified
21 voters voting thereon are in favor of repeal, that repeal shall
22 become effective [on December thirty-first of the calendar year
23 in which such repeal was approved] as provided by section 32.087.

24 If a majority of the votes cast on the question by the qualified
25 voters voting thereon are opposed to the repeal, then the sales
26 tax authorized in this section shall remain effective until the
27 question is resubmitted under this section to the qualified
28 voters and the repeal is approved by a majority of the qualified

1 voters voting on the question.

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

19 8. If the tax is repealed or terminated by any means, all
20 funds remaining in the special trust fund shall continue to be
21 used solely for the designated purposes, and the county shall
22 notify the director of the department of revenue of the action at
23 least thirty days before the effective date of the repeal and the
24 director may order retention in the trust fund, for a period of
25 one year, of two percent of the amount collected after receipt of
26 such notice to cover possible refunds or overpayment of the tax
27 and to redeem dishonored checks and drafts deposited to the
28 credit of such accounts. After one year has elapsed after the

1 effective date of abolition of the tax in such county, the
2 director shall remit the balance in the account to the county and
3 close the account of that county. The director shall notify each
4 county of each instance of any amount refunded or any check
5 redeemed from receipts due the county.

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

14 67.1300. 1. The governing body of any of the contiguous
15 counties of the third classification without a township form of
16 government enumerated in subdivisions (1) to (5) of this
17 subsection or in any county of the fourth classification acting
18 as a county of the second classification, having a population of
19 at least forty thousand but less than forty-five thousand with a
20 state university, and adjoining a county of the first
21 classification with part of a city with a population of three
22 hundred fifty thousand or more inhabitants or a county of the
23 third classification with a township form of government and with
24 a population of at least eight thousand but less than eight
25 thousand four hundred inhabitants or a county of the third
26 classification with more than fifteen townships having a
27 population of at least twenty-one thousand inhabitants or a
28 county of the third classification without a township form of

1 government and with a population of at least seven thousand four
2 hundred but less than eight thousand inhabitants or any county of
3 the third classification with a population greater than three
4 thousand but less than four thousand or any county of the third
5 classification with a population greater than six thousand one
6 hundred but less than six thousand four hundred or any county of
7 the third classification with a population greater than six
8 thousand eight hundred but less than seven thousand or any county
9 of the third classification with a population greater than seven
10 thousand eight hundred but less than seven thousand nine hundred
11 or any county of the third classification with a population
12 greater than eight thousand four hundred sixty but less than
13 eight thousand five hundred or any county of the third
14 classification with a population greater than nine thousand but
15 less than nine thousand two hundred or any county of the third
16 classification with a population greater than ten thousand five
17 hundred but less than ten thousand six hundred or any county of
18 the third classification with a population greater than
19 twenty-three thousand five hundred but less than twenty-three
20 thousand seven hundred or a county of the third classification
21 with a population greater than thirty-three thousand but less
22 than thirty-four thousand or a county of the third classification
23 with a population greater than twenty thousand eight hundred but
24 less than twenty-one thousand or a county of the third
25 classification with a population greater than fourteen thousand
26 one hundred but less than fourteen thousand five hundred or a
27 county of the third classification with a population greater than
28 twenty thousand eight hundred fifty but less than twenty-two

1 thousand or a county of the third classification with a
2 population greater than thirty-nine thousand but less than forty
3 thousand or a county of the third classification with a township
4 form of organization and a population greater than twenty-eight
5 thousand but less than twenty-nine thousand or a county of the
6 third classification with a population greater than fifteen
7 thousand but less than fifteen thousand five hundred or a county
8 of the third classification with a population greater than
9 eighteen thousand but less than nineteen thousand seventy or a
10 county of the third classification with a population greater than
11 thirteen thousand nine hundred but less than fourteen thousand
12 four hundred or a county of the third classification with a
13 population greater than twenty-seven thousand but less than
14 twenty-seven thousand five hundred or a county of the first
15 classification without a charter form of government and a
16 population of at least eighty thousand but not greater than
17 eighty-three thousand or a county of the third classification
18 with a population greater than fifteen thousand but less than
19 fifteen thousand nine hundred without a township form of
20 government which does not adjoin any county of the first, second
21 or fourth classification or a county of the third classification
22 with a population greater than twenty-three thousand but less
23 than twenty-five thousand without a township form of government
24 which does not adjoin any county of the second or fourth
25 classification and does adjoin a county of the first
26 classification with a population greater than one hundred twenty
27 thousand but less than one hundred fifty thousand or in any
28 county of the fourth classification acting as a county of the

1 second classification, having a population of at least
2 forty-eight thousand or any governing body of a municipality
3 located in any of such counties may impose, by ordinance or
4 order, a sales tax on all retail sales made in such county or
5 municipality which are subject to taxation pursuant to the
6 provisions of sections 144.010 to 144.525:

7 (1) A county with a population of at least four thousand
8 two hundred inhabitants but not more than four thousand five
9 hundred inhabitants;

10 (2) A county with a population of at least four thousand
11 seven hundred inhabitants but not more than four thousand nine
12 hundred inhabitants;

13 (3) A county with a population of at least seven thousand
14 three hundred inhabitants but not more than seven thousand six
15 hundred inhabitants;

16 (4) A county with a population of at least ten thousand one
17 hundred inhabitants but not more than ten thousand three hundred
18 inhabitants; and

19 (5) A county with a population of at least four thousand
20 three hundred inhabitants but not more than four thousand five
21 hundred inhabitants.

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

25 3. The tax authorized by this section shall be in addition
26 to any and all other sales taxes allowed by law, except that no
27 ordinance or order imposing a sales tax pursuant to the
28 provisions of this section shall be effective unless the

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

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

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

14 YES NO

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

1 of the submission of the last such proposal.

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

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

14 7. All sales taxes collected by the director of revenue
15 pursuant to this section on behalf of any county or
16 municipality[, less one percent for cost of collection which
17 shall be deposited in the state's general revenue fund after
18 payment of premiums for surety bonds as provided in section
19 32.087,] shall be deposited in a special trust fund, which is
20 hereby created, to be known as the "Local Economic Development
21 Sales Tax Trust Fund".

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

1 municipality and the public. 9. Not later than the tenth
2 day of each month the director of revenue shall distribute all
3 moneys deposited in the trust fund during the preceding month to
4 the county or municipality which levied the tax. Such funds
5 shall be deposited with the county treasurer of each such county
6 or the appropriate municipal officer in the case of a municipal
7 tax, and all expenditures of funds arising from the local
8 economic development sales tax trust fund shall be by an
9 appropriation act to be enacted by the governing body of each
10 such county or municipality. Expenditures may be made from the
11 fund for any economic development purposes authorized in the
12 ordinance or order adopted by the governing body submitting the
13 tax to the voters.

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

19 11. If any county or municipality abolishes the tax, the
20 county or municipality shall notify the director of revenue of
21 the action at least ninety days prior to the effective date of
22 the repeal and the repeal shall be effective as provided by
23 section 32.087. The director of revenue may order retention in
24 the trust fund, for a period of one year, of two percent of the
25 amount collected after receipt of such notice to cover possible
26 refunds or overpayment of the tax and to redeem dishonored checks
27 and drafts deposited to the credit of such accounts. After one
28 year has elapsed after the effective date of abolition of the tax

1 in such county or municipality, the director of revenue shall
2 remit the balance in the account to the county or municipality
3 and close the account of that county or municipality. The
4 director of revenue shall notify each county or municipality of
5 each instance of any amount refunded or any check redeemed from
6 receipts due the county or municipality.

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

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

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

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

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

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

19 67.1303. 1. The governing body of any home rule city with
20 more than one hundred fifty-one thousand five hundred but less
21 than one hundred fifty-one thousand six hundred inhabitants, any
22 home rule city with more than forty-five thousand five hundred
23 but less than forty-five thousand nine hundred inhabitants and
24 the governing body of any city within any county of the first
25 classification with more than one hundred four thousand six
26 hundred but less than one hundred four thousand seven hundred
27 inhabitants and the governing body of any county of the third
28 classification without a township form of government and with

1 more than forty thousand eight hundred but less than forty
2 thousand nine hundred inhabitants or any city within such county
3 may impose, by order or ordinance, a sales tax on all retail
4 sales made in the city or county which are subject to sales tax
5 under chapter 144. In addition, the governing body of any county
6 of the first classification with more than eighty-five thousand
7 nine hundred but less than eighty-six thousand inhabitants or the
8 governing body of any home rule city with more than seventy-three
9 thousand but less than seventy-five thousand inhabitants may
10 impose, by order or ordinance, a sales tax on all retail sales
11 made in the city or county which are subject to sales tax under
12 chapter 144. The tax authorized in this section shall not be
13 more than one-half of one percent. The order or ordinance
14 imposing the tax shall not become effective unless the governing
15 body of the city or county submits to the voters of the city or
16 county at a state general or primary election a proposal to
17 authorize the governing body to impose a tax under this section.
18 The tax authorized in this section shall be in addition to all
19 other sales taxes imposed by law, and shall be stated separately
20 from all other charges and taxes.

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

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

27 YES NO

28 If a majority of the votes cast on the question by the qualified

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

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

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

1 for job training, equipment acquisition, site development, and
2 infrastructure. Not more than twenty-five percent of the revenue
3 generated may be used annually for administrative purposes,
4 including staff and facility costs.

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

13 5. The director of revenue may authorize the state
14 treasurer to make refunds from the amounts in the trust fund and
15 credited to any city or county for erroneous payments in the
16 trust fund and credited to any city or county for erroneous
17 payments and overpayments made, and may redeem dishonored checks
18 and drafts deposited to the credit of such counties. If any city
19 or county abolishes the tax authorized under this section, the
20 repeal of such tax shall become effective December thirty-first
21 of the calendar year in which such abolishment was approved.
22 Each city or county shall notify the director of revenue at least
23 ninety days prior to the effective date of the expiration of the
24 sales tax authorized by this section, and the repeal shall be
25 effective as provided by section 32.087. The director of revenue
26 may order retention in the trust fund, for a period of one year,
27 of two percent of the amount collected after receipt of such
28 notice to cover possible refunds or overpayment of such tax and

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

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

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

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

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

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

1 county;

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

1 unexpired terms in the same manner as were the original
2 appointments.

3 [6.] 7. The board, subject to approval of the governing
4 body of the city or county, shall develop economic development
5 plans, economic development projects, or designations of an
6 economic development area, and shall hold public hearings and
7 provide notice of any such hearings. The board shall vote on all
8 proposed economic development plans, economic development
9 projects, or designations of an economic development area, and
10 amendments thereto, within thirty days following completion of
11 the hearing on any such plan, project, or designation, and shall
12 make recommendations to the governing body within ninety days of
13 the hearing concerning the adoption of or amendment to economic
14 development plans, economic development projects, or designations
15 of an economic development area.

16 [7.] 8. The board shall report at least annually to the
17 governing body of the city or county on the use of the funds
18 provided under this section and on the progress of any plan,
19 project, or designation adopted under this section.

20 [8.] 9. The governing body of any city or county that has
21 adopted the sales tax authorized in this section may submit the
22 question of repeal of the tax to the voters on any date available
23 for elections for the city or county. The ballot of submission
24 shall be in substantially the following form:

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

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YES NO

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

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

1 of revenue of the action at least one hundred twenty days prior
2 to the effective date of the repeal.

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

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

16 67.1305. 1. As used in this section, the term "city" shall
17 mean any incorporated city, town, or village.

18 2. In lieu of the sales taxes authorized under sections
19 67.1300 and 67.1303, the governing body of any city or county may
20 impose, by order or ordinance, a sales tax on all retail sales
21 made in the city or county which are subject to sales tax under
22 chapter 144. The tax authorized in this section shall not be
23 more than one-half of one percent. The order or ordinance
24 imposing the tax shall not become effective unless the governing
25 body of the city or county submits to the voters of the city or
26 county at any citywide, county or state general, primary or
27 special election a proposal to authorize the governing body to
28 impose a tax under this section. The tax authorized in this

1 section shall be in addition to all other sales taxes imposed by
2 law, and shall be stated separately from all other charges and
3 taxes. The tax authorized in this section shall not be imposed
4 by any city or county that has imposed a tax under section
5 67.1300 or 67.1303 unless the tax imposed under those sections
6 has expired or been repealed.

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

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

12 YES NO

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

25 4. All sales taxes collected by the director of revenue
26 under this section on behalf of any county or municipality[, less
27 one percent for cost of collection which shall be deposited in
28 the state's general revenue fund after payment of premiums for

1 surety bonds as provided in section 32.087,] shall be deposited
2 in a special trust fund, which is hereby created, to be known as
3 the "Local Option Economic Development Sales Tax Trust Fund".

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

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

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

25 8. If any county or municipality abolishes the tax, the
26 city or county shall notify the director of revenue of the action
27 at least ninety days prior to the effective date of the repeal
28 and the repeal shall be effective as provided by section 32.087.

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

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

15 10. (1) No revenue generated by the tax authorized in this
16 section shall be used for any retail development project, except
17 for the redevelopment of downtown areas and historic districts.
18 Not more than twenty-five percent of the revenue generated shall
19 be used annually for administrative purposes, including staff and
20 facility costs.

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

25 (a) Acquisition of land;

26 (b) Installation of infrastructure for industrial or
27 business parks;

28 (c) Improvement of water and wastewater treatment capacity;

- 1 (d) Extension of streets;
- 2 (e) Public facilities directly related to economic
- 3 development and job creation; and
- 4 (f) Providing matching dollars for state or federal grants
- 5 relating to such long-term projects.

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

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

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

27 12. (1) Any city or county imposing the tax authorized in
28 this section shall establish an economic development tax board.

1 The volunteer board shall receive no compensation or operating
2 budget.

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

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

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

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

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

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

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

3 (c) Two members from the cities, towns, or villages within
4 the county appointed in any manner agreed upon by the chief
5 elected officers of the cities or villages. Of the members
6 initially appointed, three shall be designated to serve for terms
7 of two years, except that when a nine-member board is designated,
8 seven of the members initially appointed shall be designated to
9 serve for terms of two years, and the remaining members shall be
10 designated to serve for a term of four years from the date of
11 such initial appointments. Thereafter, the members appointed
12 shall serve for a term of four years, except that all vacancies
13 shall be filled for unexpired terms in the same manner as were
14 the original appointments.

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

26 13. The board, subject to approval of the governing body of
27 the city or county, shall consider economic development plans,
28 economic development projects, or designations of an economic

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

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

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

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

26 15. Notwithstanding any other provision of law to the
27 contrary, the economic development sales tax imposed under this
28 section when imposed within a special taxing district, including

1 but not limited to a tax increment financing district,
2 neighborhood improvement district, or community improvement
3 district, shall be excluded from the calculation of revenues
4 available to such districts, and no revenues from any sales tax
5 imposed under this section shall be used for the purposes of any
6 such district unless recommended by the economic development tax
7 board established under this section and approved by the
8 governing body imposing the tax. 16. The board and the
9 governing body of the city or county imposing the tax shall
10 report at least annually to the governing body of the city or
11 county on the use of the funds provided under this section and on
12 the progress of any plan, project, or designation adopted under
13 this section and shall make such report available to the public.

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

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

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

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

24 (a) Infrastructure improvements;

25 (b) Land and/or buildings;

26 (c) Machinery and equipment;

27 (d) Job training investments;

28 (e) Direct business incentives;

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

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

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

12 YES NO

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

23 19. Whenever the governing body of
24 any city or county that has adopted the sales tax authorized in
25 this section receives a petition, signed by ten percent of the
26 registered voters of the city or county voting in the last
27 gubernatorial election, calling for an election to repeal the
28 sales tax imposed under this section, the governing body shall
submit to the voters a proposal to repeal the tax. If a majority

1 of the votes cast on the question by the qualified voters voting
2 thereon are in favor of the repeal, that repeal shall become
3 effective on December thirty-first of the calendar year in which
4 such repeal was approved. If a majority of the votes cast on the
5 question by the qualified voters voting thereon are opposed to
6 the repeal, then the tax shall remain effective until the
7 question is resubmitted under this section to the qualified
8 voters and the repeal is approved by a majority of the qualified
9 voters voting on the question.

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

17 67.1545. 1. Any district formed as a political subdivision
18 may impose by resolution a district sales and use tax on all
19 retail sales made in such district which are subject to taxation
20 pursuant to sections 144.010 to 144.525, except sales of [motor
21 vehicles, trailers, boats or outboard motors and sales to or by
22 public utilities and providers of communications, cable, or video
23 services] fuel used to power motor vehicles, aircraft,
24 locomotives, or watercraft; sales of electricity, piped natural
25 or artificial gas, or other fuels delivered by the seller; and
26 the retail sale or transfer of motor vehicles, aircraft,
27 watercraft, modular homes, manufactured homes, or mobile homes.
28 Any sales and use tax imposed pursuant to this section may be

1 imposed in increments of one-eighth of one percent, up to a
2 maximum of one percent. Such district sales and use tax may be
3 imposed for any district purpose designated by the district in
4 its ballot of submission to its qualified voters; except that, no
5 resolution adopted pursuant to this section shall become
6 effective unless the board of directors of the district submits
7 to the qualified voters of the district, by mail-in ballot, a
8 proposal to authorize a sales and use tax pursuant to this
9 section. If a majority of the votes cast by the qualified voters
10 on the proposed sales tax are in favor of the sales tax, then the
11 resolution is adopted. If a majority of the votes cast by the
12 qualified voters are opposed to the sales tax, then the
13 resolution is void.

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

15 Shall the (insert name of district)
16 Community Improvement District impose a community improvement
17 districtwide sales and use tax at the maximum rate of
18 (insert amount) for a period of
19 (insert number) years from the date on which such tax is first
20 imposed for the purpose of providing revenue for
21 (insert general
22 description of the purpose)?

23 YES NO

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

27 3. Within ten days after the qualified voters have approved
28 the imposition of the sales and use tax, the district shall, in

1 accordance with section 32.087, notify the director of the
2 department of revenue. The sales and use tax authorized by this
3 section shall become effective on the first day of the second
4 calendar quarter after the director of the department of revenue
5 receives notice of the adoption of such tax.

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

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

25 6. [In order to allow retailers to
26 collect and report the sales and use tax authorized by this
27 section as well as all other sales and use taxes required by law
28 in the simplest and most efficient manner possible, a district
may establish appropriate brackets to be used in the district

1 imposing a tax pursuant to this section in lieu of the brackets
2 provided in section 144.285.

3 [7.] The penalties provided in sections 144.010 to 144.525
4 shall apply to violations of this section.

5 [8.] 7. All revenue received by the district from a sales
6 and use tax imposed pursuant to this section which is designated
7 for a specific purpose shall be deposited into a special trust
8 fund and expended solely for such purpose. Upon the expiration
9 of any sales and use tax adopted pursuant to this section, all
10 funds remaining in the special trust fund shall continue to be
11 used solely for the specific purpose designated in the resolution
12 adopted by the qualified voters. Any funds in such special trust
13 fund which are not needed for current expenditures may be
14 invested by the board of directors pursuant to applicable laws
15 relating to the investment of other district funds.

16 [9.] 8. A district may repeal by resolution any sales and
17 use tax imposed pursuant to this section before the expiration
18 date of such sales and use tax unless the repeal of such sales
19 and use tax will impair the district's ability to repay any
20 liabilities the district has incurred, moneys the district has
21 borrowed or obligation the district has issued to finance any
22 improvements or services rendered for the district.

23 [10.] 9. Notwithstanding the provisions of chapter 115, an
24 election for a district sales and use tax under this section
25 shall be conducted in accordance with the provisions of this
26 section.

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

1 this section.

2 67.1712. 1. The governing body of any county located
3 within the proposed metropolitan district is hereby authorized to
4 impose by ordinance a one-tenth of one cent sales tax on all
5 retail sales subject to taxation pursuant to sections 144.010 to
6 144.525 for the purpose of funding the creation, operation and
7 maintenance of a metropolitan park and recreation district.

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

19 3. The taxes authorized by sections 67.1700 to 67.1769
20 shall be in addition to all other sales taxes allowed by law.
21 The governing body of any county within the metropolitan district
22 enacting such an ordinance shall submit to the voters of such
23 county a proposal to approve its ordinance imposing or increasing
24 the tax. Such ordinance shall become effective only after the
25 majority of the voters voting on such ordinance approve such
26 ordinance. The provisions of sections 32.085 [and] to 32.087
27 shall apply to any tax and increase in tax approved pursuant to
28 this section and sections 67.1715 to 67.1721.

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

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

27 YES NO

28 If a majority of the votes cast on the question by the qualified

1 voters voting thereon are in favor of the question, then the
2 ordinance or order and any amendments thereto shall be in effect
3 on the first day of the second calendar quarter after the
4 director receives notification of the local sales tax. If a
5 question receives less than the required majority, then the
6 governing authority of the city or county, or city not within a
7 county, shall have no power to impose the sales tax unless and
8 until the governing authority of the city or county, or city not
9 within a county, has submitted another question to authorize the
10 imposition of the sales tax authorized by this section and such
11 question is approved by the required majority of the qualified
12 voters voting thereon. However, in no event shall a question
13 under this section be submitted to the voters sooner than twelve
14 months from the date of the last question under this section.

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

26 3. All sales taxes collected by the director of revenue
27 under this section on behalf of any city or county, or city not
28 within a county[, less one percent for the cost of collection,

1 which shall be deposited in the state's general revenue fund
2 after payment of premiums for surety bonds as provided in section
3 32.087,] shall be deposited with the state treasurer in a special
4 fund, which is hereby created, to be known as the "Community
5 Children's Services Fund". [The moneys in the city or county, or
6 city not within a county, community children's services fund
7 shall not be deemed to be state funds and shall not be commingled
8 with any funds of the state.] The director of revenue shall keep
9 accurate records of the amount of money in the fund which was
10 collected in each city or county, or city not within a county,
11 imposing a sales tax under this section, and the records shall be
12 open to the inspection of officers of each city or county, or
13 city not within a county, and the general public. Not later than
14 the tenth day of each month, the director of revenue shall
15 distribute all moneys deposited in the fund during the preceding
16 month by distributing to the city or county treasurer, or the
17 treasurer of a city not within a county, or such other officer as
18 may be designated by a city or county ordinance or order, or
19 ordinance or order of a city not within a county, of each city or
20 county, or city not within a county, imposing the tax authorized
21 by this section, the sum, as certified by the director of
22 revenue, due the city or county. 4. The director of revenue
23 may authorize the state treasurer to make refunds from the
24 amounts in the fund and credited to any city or county, or city
25 not within a county, for erroneous payments and overpayments
26 made, and may redeem dishonored checks and drafts deposited to
27 the credit of such counties. Each city or county, or city not
28 within a county, shall notify the director of revenue at least

1 ninety days prior to the effective date of the expiration of the
2 sales tax authorized by this section and the repeal shall be
3 effective as provided by section 32.087. The director of revenue
4 may order retention in the fund, for a period of one year, of two
5 percent of the amount collected after receipt of such notice to
6 cover possible refunds or overpayment of such tax and to redeem
7 dishonored checks and drafts deposited to the credit of such
8 accounts. After one year has elapsed after the date of
9 expiration of the tax authorized by this section in such city not
10 within a county or such city or county, the director of revenue
11 shall remit the balance in the account to the city or county, or
12 city not within a county, and close the account of that city or
13 county, or city not within a county. The director of revenue
14 shall notify each city or county, or city not within a county, of
15 each instance of any amount refunded or any check redeemed from
16 receipts due the city or county.

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

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

28 67.1959. 1. The board, by a majority vote, may submit to

1 the residents of such district a tax of not more than one percent
2 on all retail sales, except sales of [food as defined in section
3 144.014, sales of] new or used motor vehicles, trailers, boats,
4 or other outboard motors, [all utilities, telephone and wireless
5 services,] and sales of funeral services, made on or after
6 January 1, 2014, within the district which are subject to
7 taxation pursuant to the provisions of sections 144.010 to
8 144.525. Upon the written request of the board to the election
9 authority of the county in which a majority of the area of the
10 district is situated, such election authority shall submit a
11 proposition to the residents of such district at a municipal or
12 statewide primary or general election, or at a special election
13 called for that purpose. Such election authority shall give
14 legal notice as provided in chapter 115.

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

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

20 YES NO

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

24 If a majority of the votes cast on the proposal by the qualified
25 voters of the proposed district voting thereon are in favor of
26 the proposal, then the order shall become effective on the first
27 day of the second calendar quarter after the director of revenue
28 receives notice of adoption of the tax. If the proposal receives

1 less than the required majority, then the board shall have no
2 power to impose the sales tax authorized pursuant to this section
3 unless and until the board shall again have submitted another
4 proposal to authorize the board to impose the sales tax
5 authorized by this section and such proposal is approved by the
6 required majority of the qualified voters of the district.

7 67.2000. 1. This section shall be known as the "Exhibition
8 Center and Recreational Facility District Act".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 3. Whenever not less than fifty owners of real property
28 located within any county listed in subsection 2 of this section

1 desire to create an exhibition center and recreational facility
2 district, the property owners shall file a petition with the
3 governing body of each county located within the boundaries of
4 the proposed district requesting the creation of the district.
5 The district boundaries may include all or part of the counties
6 described in this section. The petition shall contain the
7 following information:

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

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

12 (3) The name of the proposed district.

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

19 (1) A description of the boundaries of the proposed
20 district;

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

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

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

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

1 district shall:

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

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

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

12 6. Following the hearing, if the governing body of each
13 county located within the proposed district decides to establish
14 the proposed district, it shall adopt an order to that effect; if
15 the governing body of any county located within the proposed
16 district decides to not establish the proposed district, the
17 boundaries of the proposed district shall not include that
18 county. The order shall contain the following:

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

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

22 (3) The name of the district;

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

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

27 7. A district established pursuant to this section may, at
28 a general, primary, or special election, submit to the qualified

1 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
3 all retail sales within the district, which are subject to
4 taxation pursuant to sections 144.010 to 144.525, to fund the
5 acquisition, construction, maintenance, operation, improvement,
6 and promotion of an exhibition center and recreational
7 facilities. The ballot of submission shall be in substantially
8 the following form:

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

15 YES NO

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

19 If a majority of the votes cast in the portion of any county that
20 is part of the proposed district favor the proposal, then the
21 sales tax shall become effective in that portion of the county
22 [that is part of the proposed district on the first day of the
23 first calendar quarter immediately following the election] as
24 provided by section 32.087. If a majority of the votes cast in
25 the portion of a county that is a part of the proposed district
26 oppose the proposal, then that portion of such county shall not
27 impose the sales tax authorized in this section until after the
28 county governing body has submitted another such sales tax

1 proposal and the proposal is approved by a majority of the
2 qualified voters voting thereon. However, if a sales tax
3 proposal is not approved, the governing body of the county shall
4 not resubmit a proposal to the voters pursuant to this section
5 sooner than twelve months from the date of the last proposal
6 submitted pursuant to this section. If the qualified voters in
7 two or more counties that have contiguous districts approve the
8 sales tax proposal, the districts shall combine to become one
9 district.

10 8. There is hereby created a board of trustees to
11 administer any district created and the expenditure of revenue
12 generated pursuant to this section consisting of four individuals
13 to represent each county approving the district, as provided in
14 this subsection. The governing body of each county located
15 within the district, upon approval of that county's sales tax
16 proposal, shall appoint four members to the board of trustees; at
17 least one shall be an owner of a nonlodging business located
18 within the taxing district, or their designee, at least one shall
19 be an owner of a lodging facility located within the district, or
20 their designee, and all members shall reside in the district
21 except that one nonlodging business owner, or their designee, and
22 one lodging facility owner, or their designee, may reside outside
23 the district. Each trustee shall be at least twenty-five years
24 of age and a resident of this state. Of the initial trustees
25 appointed from each county, two shall hold office for two years,
26 and two shall hold office for four years. Trustees appointed
27 after expiration of the initial terms shall be appointed to a
28 four-year term by the governing body of the county the trustee

1 represents, with the initially appointed trustee to remain in
2 office until a successor is appointed, and shall take office upon
3 being appointed. Each trustee may be reappointed. Vacancies
4 shall be filled in the same manner in which the trustee vacating
5 the office was originally appointed. The trustees shall not
6 receive compensation for their services, but may be reimbursed
7 for their actual and necessary expenses. The board shall elect a
8 chair and other officers necessary for its membership. Trustees
9 may be removed if:

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

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

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

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

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

20 (3) To enter into contracts, franchises, and agreements
21 with any person or entity, public or private, affecting the
22 affairs of the district, including contracts with any
23 municipality, district, or state, or the United States, and any
24 of their agencies, political subdivisions, or instrumentalities,
25 for the funding, including without limitation interest rate
26 exchange or swap agreements, planning, development, construction,
27 acquisition, maintenance, or operation of a single exhibition
28 center and recreational facilities or to assist in such activity.

1 "Recreational facilities" means locations explicitly designated
2 for public use where the primary use of the facility involves
3 participation in hobbies or athletic activities;

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

1 other obligations may be sold at either public or private sale,
2 at such interest rates, and at such price or prices as the
3 district shall determine;

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

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

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

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

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

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

28 (11) To have and exercise all rights and powers necessary

1 or incidental to or implied from the specific powers granted by
2 this section.

3 10. There is hereby created the "Exhibition Center and
4 Recreational Facility District Sales Tax Trust Fund", which shall
5 consist of all sales tax revenue collected pursuant to this
6 section. The director of revenue shall be custodian of the trust
7 fund, and moneys in the trust fund shall be used solely for the
8 purposes authorized in this section. [Moneys in the trust fund
9 shall be considered nonstate funds pursuant to section 15,
10 article IV, Constitution of Missouri.] The director of revenue
11 shall invest moneys in the trust fund in the same manner as other
12 funds are invested. Any interest and moneys earned on such
13 investments shall be credited to the trust fund. All sales taxes
14 collected by the director of revenue pursuant to this section on
15 behalf of the district, less one percent for the cost of
16 collection which shall be deposited in the state's general
17 revenue fund after payment of premiums for surety bonds as
18 provided in section 32.087, shall be deposited in the trust fund.
19 The director of revenue shall keep accurate records of the amount
20 of moneys in the trust fund which was collected in the district
21 imposing a sales tax pursuant to this section, and the records
22 shall be open to the inspection of the officers of each district
23 and the general public. Not later than the tenth day of each
24 month, the director of revenue shall distribute all moneys
25 deposited in the trust fund during the preceding month to the
26 district. The director of revenue may authorize refunds from the
27 amounts in the trust fund and credited to the district for
28 erroneous payments and overpayments made, and may redeem

1 dishonored checks and drafts deposited to the credit of the
2 district.

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

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

18 [12.] 13. Any sales tax imposed pursuant to this section
19 shall not extend past the initial term approved by the voters
20 unless an extension of the sales tax is submitted to and approved
21 by the qualified voters in each county in the manner provided in
22 this section. Each extension of the sales tax shall be for a
23 period not to exceed twenty years. The ballot of submission for
24 the extension shall be in substantially the following form:

25 Shall the (name of district) extend the sales
26 tax of one-fourth of one percent for a period of
27 (insert number of years) years to fund the acquisition,
28 construction, maintenance, operation, improvement, and promotion

1 of an exhibition center and recreational facilities?

2 YES NO

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

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

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

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

15 [14.] 15. In the event that the district is dissolved or
16 terminated by any means, the governing bodies of the counties in
17 the district shall appoint a person to act as trustee for the
18 district so dissolved or terminated. Before beginning the
19 discharge of duties, the trustee shall take and subscribe an oath
20 to faithfully discharge the duties of the office, and shall give
21 bond with sufficient security, approved by the governing bodies
22 of the counties, to the use of the dissolved or terminated
23 district, for the faithful discharge of duties. The trustee
24 shall have and exercise all powers necessary to liquidate the
25 district, and upon satisfaction of all remaining obligations of
26 the district, shall pay over to the county treasurer of each
27 county in the district and take receipt for all remaining moneys
28 in amounts based on the ratio the levy of each county bears to

1 the total levy for the district in the previous three years or
2 since the establishment of the district, whichever time period is
3 shorter. Upon payment to the county treasurers, the trustee
4 shall deliver to the clerk of the governing body of any county in
5 the district all books, papers, records, and deeds belonging to
6 the dissolved district.

7 67.2030. 1. The governing authority of any city of the
8 fourth classification with more than one thousand six hundred but
9 less than one thousand seven hundred inhabitants and located in
10 any county of the first classification with more than
11 seventy-three thousand seven hundred but less than seventy-three
12 thousand eight hundred inhabitants is hereby authorized to
13 impose, by ordinance or order, a sales tax in the amount not to
14 exceed one-half of one percent on all retail sales made in such
15 city which are subject to taxation pursuant to sections 144.010
16 to 144.525 for the promotion of tourism in such city. The tax
17 authorized by this section shall be in addition to any and all
18 other sales taxes allowed by law, except that no ordinance or
19 order imposing a sales tax pursuant to this section shall be
20 effective unless the governing authority of the city submits to
21 the qualified voters of the city, at any municipal or state
22 general, primary, or special election, a proposal to authorize
23 the governing authority of the city to impose a tax.

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

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

1 YES NO

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

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

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

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

27 (2) The city may enter into an agreement with the director
28 of revenue of the state of Missouri for the purpose of collecting

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

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

27 [5.] 4. (1) The governing authority of any city that has
28 adopted any sales tax pursuant to this section shall, upon filing

1 of a petition calling for the repeal of such sales tax signed by
2 at least ten percent of the qualified voters in the city, submit
3 the question of repeal of the sales tax to the qualified voters
4 at any primary or general election. The ballot of submission
5 shall be in substantially the following form:

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

9 YES NO

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

13 If a majority of the votes cast on the proposal are in favor of
14 repeal, that repeal shall become effective on December
15 thirty-first of the calendar year in which such repeal was
16 approved. If the city or county abolishes the tax, the city or
17 county shall notify the director of revenue of the action at
18 least one hundred twenty days prior to the effective date of the
19 repeal.

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

27 (3) The governing authority of a city repealing a tax
28 pursuant to this section shall notify the director of revenue of

1 the action at least forty-five days before the effective date of
2 the repeal and the director of revenue may order retention in any
3 trust fund created in the state treasury associated with the tax,
4 for a period of one year, of two percent of the amount collected
5 after receipt of such notice to cover refunds or overpayment of
6 the tax and to redeem dishonored checks and drafts deposited to
7 the credit of such accounts. After one year has elapsed after
8 the effective date of repeal of the tax in the city, the director
9 of revenue shall remit the balance in the trust fund to the city
10 and close the account of that city. The director of revenue
11 shall notify each city of each instance of any amount refunded or
12 any check redeemed from receipts due the city. (4) In the
13 event that the repeal of a sales tax pursuant to this section
14 dissolves or terminates a taxing district, the governing
15 authority of the city shall appoint a person to act as trustee
16 for the district so dissolved or terminated. Before beginning
17 the discharge of duties, the trustee shall take and subscribe an
18 oath to faithfully discharge the duties of the office, and shall
19 give bond with sufficient security, approved by the governing
20 authority of the city, to the use of the dissolved or terminated
21 district, for the faithful discharge of duties. The trustee
22 shall have and exercise all powers necessary to liquidate the
23 district, and upon satisfaction of all remaining obligations of
24 the district, shall pay over to the city treasurer or the
25 equivalent official and take receipt for all remaining moneys.
26 Upon payment to the city treasurer, the trustee shall deliver to
27 the clerk of the governing authority of the city all books,
28 papers, records, and deeds belonging to the dissolved district.

1 [6.] 5. Except as modified in this section, all provisions
2 of sections 32.085 [and] to 32.087 shall apply to the tax imposed
3 pursuant to this section.

4 67.2525. 1. Each member of the board of directors shall
5 have the following qualifications:

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

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

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

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

28 4. For those subdistricts which contain no registered

1 voters, the property owners who collectively own one or more
2 parcels of real estate comprising more than half of the land
3 situated in each subdistrict shall meet and shall elect a
4 representative to serve upon the board of directors. The clerk
5 of the city, town, or village in which the petition was filed
6 shall, unless waived in writing by all property owners in the
7 subdistrict, give notice by causing publication to be made once a
8 week for two consecutive weeks in a newspaper of general
9 circulation in the county, the last publication of which shall be
10 at least ten days before the day of the meeting required by this
11 section, to call a meeting of the owners of real property within
12 the subdistrict at a day and hour specified in a public place in
13 the city, town, or village in which the petition was filed for
14 the purpose of electing members of the board of directors.

15 5. The property owners, when assembled, shall organize by
16 the election of a temporary chairman and secretary of the meeting
17 who shall conduct the election. An election shall be conducted
18 for each subdistrict, with the eligible property owners voting in
19 that subdistrict. At the election, each acre of real property
20 within the subdistrict shall represent one share, and each owner,
21 including corporations and other entities, may have one vote in
22 person or for every acre of real property owned by such person
23 within the subdistrict. Each voter which is not an individual
24 shall determine how to cast its vote as provided for in its
25 articles of incorporation, articles of organization, articles of
26 partnership, bylaws, or other document which sets forth an
27 appropriate mechanism for the determination of the entity's vote.
28 If a voter has no such mechanism, then its vote shall be cast as

1 determined by a majority of the persons who run the day-to-day
2 affairs of the voter. The results of the meeting shall be
3 certified by the temporary chairman and secretary to the
4 municipal clerk if the district is established by a municipality
5 described in this section, or to the circuit clerk if the
6 district is established by a circuit court.

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

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

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

25 (1) The power to fund, promote and provide educational,
26 civic, musical, theatrical, cultural, concerts, lecture series,
27 and related or similar entertainment events or activities, and
28 fund, promote, plan, design, construct, improve, maintain, and

1 operate public improvements, transportation projects, and related
2 facilities within the district;

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

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

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

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

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

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

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

28 14. Each director shall devote such time to the duties of

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

6 15. In addition to all other powers granted by sections
7 67.2500 to 67.2530, the district shall have the following general
8 powers:

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

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

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

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

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

26 (6) To collect taxes and other revenues;

27 (7) To borrow money and incur indebtedness and evidence the
28 same by certificates, notes, bonds, debentures, or refunding of

1 any such obligations for the purpose of paying all or any part of
2 the cost of land, construction, development, or equipping of any
3 facilities or operations of the district;

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

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

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

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

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

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

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

28 16. A district may at any time authorize or issue notes,

1 bonds, or other obligations for any of its powers or purposes.

2 Such notes, bonds, or other obligations:

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

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

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

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

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

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

23 The provisions of this subsection are applicable to the district
24 notwithstanding the provisions of section 108.170.

25 67.2530. 1. Any note, bond, or other indebtedness of the
26 district may be refunded at any time by the district by issuing
27 refunding bonds in such amount as the district may deem
28 necessary. Such bonds shall be subject to and shall have the

1 benefit of the foregoing provisions regarding notes, bonds, and
2 other obligations. Without limiting the generality of the
3 foregoing, refunding bonds may include amounts necessary to
4 finance any premium, unpaid interest, and costs of issuance in
5 connection with the refunding bonds. Any such refunding may be
6 effected whether the bonds to be refunded then shall have matured
7 or thereafter shall mature, either by sale of the refunding bonds
8 and the application of the proceeds thereof to the payment of the
9 obligations being refunded or the exchange of the refunding bonds
10 for the obligations being refunded with the consent of the
11 holders of the obligations being refunded.

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

20 3. Any district may by resolution impose a district sales
21 tax of up to one-half of one percent on all retail sales made in
22 such district that are subject to taxation pursuant to the
23 provisions of sections 144.010 to 144.525. Upon voter approval,
24 and receiving the necessary certifications from the governing
25 body of the municipality in which the district is located, or
26 from the circuit court if the district was formed by the circuit
27 court, the board of directors shall have the power to impose a
28 sales tax at its first meeting, or any meeting thereafter. Voter

1 approval of the question of the imposing sales tax shall be in
2 accordance with section 67.2520. [The sales tax shall become
3 effective in those subdistricts that approve the sales tax on the
4 first day of the first calendar quarter immediately following the
5 passage of a resolution by the board of directors imposing the
6 sales tax.

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

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

22 6.] 4. All revenue received by a district from the sales
23 tax authorized by this section shall be deposited in a special
24 trust fund and shall be used solely for the purposes of the
25 district. Any funds in such special trust fund which are not
26 needed for the district's current expenditures may be invested by
27 the district board of directors in accordance with applicable
28 laws relating to the investment of other district funds.

1 [7.] 5. The sales tax may be imposed at a rate of up to
2 one-half of one percent on the receipts from the sale at retail
3 of all tangible personal property or taxable services at retail
4 within the district adopting such tax, if such property and
5 services are subject to taxation by the state of Missouri
6 pursuant to the provisions of sections 144.010 to 144.525. Any
7 district sales tax imposed pursuant to this section shall be
8 imposed at a rate that shall be uniform throughout the
9 subdistricts approving the sales tax.

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

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

26 (2)] 6. After the effective date of any tax imposed under
27 the provisions of this section, the director of revenue shall
28 perform all functions incident to the administration, collection,

1 enforcement, and operation of the tax and collect, in addition to
2 the sales tax for the state of Missouri, the additional tax
3 authorized under the authority of this section. The tax imposed
4 under this section and the tax imposed under the sales tax law of
5 the state of Missouri shall be collected together and reported
6 upon such forms and under such administrative rules and
7 regulations as may be prescribed by the director of revenue.

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

14 [(3) The district may contract with the municipality that
15 the district is within for the municipality to collect any
16 revenue received by the district and, after deducting the cost of
17 such collection, but not to exceed one percent of the total
18 amount collected, deposit such revenue in a special trust
19 account. Such revenue and interest may be applied by the
20 municipality to expenses, costs, or debt service of the district
21 at the direction of the district as set forth in a contract
22 between the municipality and the district.

23 10. (1) All applicable provisions contained in sections
24 144.010 to 144.525 governing the state sales tax, sections 32.085
25 and 32.087, and section 32.057, the uniform confidentiality
26 provision, shall apply to the collection of the tax imposed by
27 this section, except as modified in this section.

28 (2) All exemptions granted to agencies of government,

1 organizations, persons, and to the sale of certain articles and
2 items of tangible personal property and taxable services pursuant
3 to the provisions of sections 144.010 to 144.525 are hereby made
4 applicable to the imposition and collection of the tax imposed by
5 this section.

6 (3) The same sales tax permit, exemption certificate, and
7 retail certificate required by sections 144.010 to 144.525 for
8 the administration and collection of the state sales tax shall
9 satisfy the requirements of this section, and no additional
10 permit or exemption certificate or retail certificate shall be
11 required; except that the district may prescribe a form of
12 exemption certificate for an exemption from the tax imposed by
13 this section.

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

19 (5) The penalties provided in section 32.057 and sections
20 144.010 to 144.525 for violation of those sections are hereby
21 made applicable to violations of this section.

22 (6) For the purpose of a sales tax imposed by a resolution
23 pursuant to this section, all retail sales shall be deemed to be
24 consummated at the place of business of the retailer unless the
25 tangible personal property sold is delivered by the retailer or
26 the retailer's agent to an out-of-state destination or to a
27 common carrier for delivery to an out-of-state destination. In
28 the event a retailer has more than one place of business in this

1 state which participates in the sale, the sale shall be deemed to
2 be consummated at the place of business of the retailer where the
3 initial order for the tangible personal property is taken, even
4 though the order must be forwarded elsewhere for acceptance,
5 approval of credit, shipment, or billing.

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

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

23 Shall (name of district) increase the
24 (insert amount) percent district sales tax now in
25 effect to..... (insert amount) in the
26 (name of district)?

27 YES NO

28 If you are in favor of the question, place an "X" in the box

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

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

8 [11.] 9. (1) There shall not be any election as provided
9 for in this section while the district has any financing or other
10 obligations outstanding.

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

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

22 YES NO

23 If you are in favor of the question, place an "X" in the box
24 opposite "YES". If you are opposed to the question, place an "X"
25 in the box opposite "NO". Such subsequent elections for the
26 repeal of the sales tax shall be conducted in accordance with
27 section 67.2520; provided, however, that the district board of
28 directors may place the question of the repeal of the sales tax

1 before the voters of the district, and the municipal clerk of the
2 city, town, or village which originally conducted the
3 incorporation of the district, or the circuit clerk of the court
4 which originally conducted the incorporation of the district,
5 shall conduct the subsequent election. In subsequent elections
6 the election judges shall certify the election results to the
7 district board of directors.

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

16 [12.] 10. (1) At such time as the board of directors of
17 the district determines that further operation of the district is
18 not in the best interests of the inhabitants of the district, and
19 that the district should dissolve, the board shall submit for a
20 vote in an election held throughout the district the question of
21 whether the district should be abolished. The question shall be
22 submitted in substantially the following form:

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

25 YES NO

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

1 (2) The district board shall not propose the question to
2 abolish the district while there are outstanding claims or causes
3 of action pending against the district, while the district
4 liabilities exceed its assets, while indebtedness of the district
5 is outstanding, or while the district is insolvent, in
6 receivership or under the jurisdiction of the bankruptcy court.
7 Prior to submitting the question to abolish the district to a
8 vote of the entire district, the state auditor shall audit the
9 district to determine the financial status of the district, and
10 whether the district may be abolished pursuant to law. The vote
11 on the abolition of the district shall be conducted by the
12 municipal clerk of the city, town, or village in which the
13 district is located. The procedure shall be the same as in
14 section 67.2520, except that the question shall be determined by
15 the qualified voters of the entire district. No individual
16 subdistrict may be abolished, except at such time as the district
17 is abolished.

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

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

27 (a) Sell any remaining district real or personal property
28 it wishes, and then transfer the proceeds and any other real or

1 personal property owned by the district to the city, town, or
2 village in which the district is located, including revenues due
3 and owing the district, for its further use and disposition;

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

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

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

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

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

19 94.578. 1. In addition to the sales tax authorized in
20 section 94.577, the governing body of any home rule city with
21 more than one hundred fifty-one thousand five hundred but less
22 than one hundred fifty-one thousand six hundred inhabitants is
23 hereby authorized to impose, by order or ordinance, a sales tax
24 on all retail sales made within the city which are subject to
25 sales tax under chapter 144. The tax authorized in this section
26 may be imposed at a rate of one-eighth, one-fourth,
27 three-eighths, or one-half of one percent, but shall not exceed
28 one-half of one percent, shall not be imposed for longer than

1 three years, and shall be imposed solely for the purpose of
2 funding the construction, operation, and maintenance of capital
3 improvements in the city's center city. The governing body may
4 issue bonds for the funding of such capital improvements, which
5 will be retired by the revenues received from the sales tax
6 authorized by this section. The order or ordinance shall not
7 become effective unless the governing body of the city submits to
8 the voters residing within the city at a state or municipal
9 general, primary, or special election a proposal to authorize the
10 governing body of the city to impose a tax under this section.
11 The tax authorized in this section shall be in addition to all
12 other sales taxes imposed by law, and shall be stated separately
13 from all other charges and taxes.

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

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

21 YES NO

22 If a majority of the votes cast on the question by the qualified
23 voters voting thereon are in favor of the question, then the tax
24 shall become effective on the first day of the second calendar
25 quarter after the director of revenue receives notice of the
26 adoption of the sales tax. If a majority of the votes cast on
27 the question by the qualified voters voting thereon are opposed
28 to the question, then the tax shall not become effective unless

1 and until the question is resubmitted under this section to the
2 qualified voters and such question is approved by a majority of
3 the qualified voters voting on the question. In no case shall a
4 tax be resubmitted to the qualified voters of the city sooner
5 than twelve months from the date of the proposal under this
6 section.

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

18 4. The director of revenue may authorize the state
19 treasurer to make refunds from the amounts in the trust fund and
20 credited to any city for erroneous payments and overpayments
21 made, and may redeem dishonored checks and drafts deposited to
22 the credit of such cities. If any city abolishes the tax, the
23 city shall notify the director of revenue of the action at least
24 ninety days before the effective date of the repeal, and the
25 director of revenue may order retention in the trust fund, for a
26 period of one year, of two percent of the amount collected after
27 receipt of such notice to cover possible refunds or overpayment
28 of the tax and to redeem dishonored checks and drafts deposited

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

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

11 Shall (insert the name of the city)
12 repeal the sales tax imposed at a rate of (insert rate
13 of percent) percent for capital improvements purposes in the
14 city's center city?

15 YES NO

16 If a majority of the votes cast on the proposal are in favor of
17 repeal, that repeal shall become effective on December
18 thirty-first of the calendar year in which such repeal was
19 approved. If a majority of the votes cast on the question by the
20 qualified voters voting thereon are opposed to the repeal, then
21 the sales tax authorized in this section shall remain effective
22 until the question is resubmitted under this section to the
23 qualified voters, and the repeal is approved by a majority of the
24 qualified voters voting on the question. If the city or county
25 abolishes the tax, the city or county shall notify the director
26 of revenue of the action at least one hundred twenty days prior
27 to the effective date of the repeal.

28 6. Whenever the governing body of any city that has adopted

1 the sales tax authorized in this section receives a petition,
2 signed by ten percent of the registered voters of the city voting
3 in the last gubernatorial election, calling for an election to
4 repeal the sales tax imposed under this section, the governing
5 body shall submit to the voters of the city a proposal to repeal
6 the tax. If a majority of the votes cast on the question by the
7 qualified voters voting thereon are in favor of the repeal, that
8 repeal shall become effective on December thirty-first of the
9 calendar year in which such repeal was approved. If a majority
10 of the votes cast on the question by the qualified voters voting
11 thereon are opposed to the repeal, then the tax shall remain
12 effective until the question is resubmitted under this section to
13 the qualified voters and the repeal is approved by a majority of
14 the qualified voters voting on the question.

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

18 94.605. 1. Any city as defined in section 94.600 may by a
19 majority vote of its governing body impose a sales tax for
20 transportation purposes enumerated in sections 94.600 to 94.655.

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

27 3. With respect to any tax increment financing plan
28 originally approved by ordinance of the city council after March

1 31, 2009, in any home rule city with more than four hundred
2 thousand inhabitants and located in more than one county, any
3 three-eighths of one cent sales tax imposed under sections 94.600
4 to 94.655 shall not be considered economic activity taxes as such
5 term is defined under sections 99.805 and 99.918, and tax
6 revenues derived from such taxes shall not be subject to
7 allocation under the provisions of subsection 3 of section 99.845
8 or subsection 4 of section 99.957. Any one-eighth of one cent
9 sales tax imposed in such city under sections 94.600 to 94.655
10 for constructing and operating a light-rail transit system shall
11 not be considered economic activity taxes as such term is defined
12 under sections 99.805 and 99.918, and tax revenues derived from
13 such tax shall not be subject to allocation under the provisions
14 of subsection 3 of section 99.845 or subsection 4 of section
15 99.957.

16 [4. If the boundaries of a city in which such sales tax has
17 been imposed shall thereafter be changed or altered, the city or
18 county clerk shall forward to the director of revenue by United
19 States registered mail or certified mail a certified copy of the
20 ordinance adding or detaching territory from the city. The
21 ordinance shall reflect the effective date thereof, and shall be
22 accompanied by a map of the city clearly showing the territory
23 added thereto or detached therefrom. Upon receipt of the
24 ordinance and map, the tax imposed by sections 94.600 to 94.655
25 shall be effective in the added territory or abolished in the
26 detached territory on the effective date of the change of the
27 city boundary.]

28 94.660. 1. The governing body of any city not within a

1 county and any county of the first classification having a
2 charter form of government with a population of over nine hundred
3 thousand inhabitants may propose, by ordinance or order, a
4 transportation sales tax of up to one percent for submission to
5 the voters of that city or county at an authorized election date
6 selected by the governing body.

7 2. Any sales tax approved under this section shall be
8 imposed on the receipts from the sale at retail of all tangible
9 personal property or taxable services within the city or county
10 adopting the tax, if such property and services are subject to
11 taxation by the state of Missouri under sections 144.010 to
12 144.525.

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

15 Shall the county/city of (county's or
16 city's name) impose a county/city-wide sales tax of
17 percent for the purpose of providing a source of funds for public
18 transportation purposes?

19 YES NO

20 Except as provided in subsection 4 of this section, if a majority
21 of the votes cast in that county or city not within a county on
22 the proposal by the qualified voters voting thereon are in favor
23 of the proposal, then the tax shall go into effect [on the first
24 day of the next calendar quarter beginning after its adoption and
25 notice to the director of revenue, but no sooner than thirty days
26 after such adoption and notice] as provided by section 32.087.

27 If a majority of the votes cast in that county or city not within
28 a county by the qualified voters voting are opposed to the

1 proposal, then the additional sales tax shall not be imposed in
2 that county or city not within a county unless and until the
3 governing body of that county or city not within a county shall
4 have submitted another proposal to authorize the local option
5 transportation sales tax authorized in this section, and such
6 proposal is approved by a majority of the qualified voters voting
7 on it. In no event shall a proposal pursuant to this section be
8 submitted to the voters sooner than twelve months from the date
9 of the last proposal.

10 4. No tax shall go into effect under this section in any
11 city not within a county or any county of the first
12 classification having a charter form of government with a
13 population over nine hundred thousand inhabitants unless and
14 until both such city and such county approve the tax. 5.

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

21 6. All sales taxes collected by the director of revenue
22 under this section on behalf of any city or county, less one
23 percent for cost of collection which shall be deposited in the
24 state's general revenue fund after payment of premiums for surety
25 bonds, shall be deposited with the state treasurer in a special
26 trust fund, which is hereby created, to be known as the "County
27 Public Transit Sales Tax Trust Fund". The sales taxes shall be
28 collected as provided in section 32.087. The moneys in the trust

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

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

19 8. The director of revenue may authorize the state
20 treasurer to make refunds from the amount in the trust fund and
21 credited to any city or county for erroneous payments and
22 overpayments made, and may redeem dishonored checks and drafts
23 deposited to the credit of such cities or counties. If any city
24 or county abolishes the tax, the city or county shall notify the
25 director of revenue of the action at least ninety days prior to
26 the effective date of the repeal and the director of revenue may
27 order retention in the trust fund, for a period of one year, of
28 two percent of the amount collected after receipt of such notice

1 to cover possible refunds or overpayment of the tax and to redeem
2 dishonored checks and drafts deposited to the credit of such
3 accounts. After one year has elapsed after the effective date of
4 abolition of the tax in such city or county, the director of
5 revenue shall authorize the state treasurer to remit the balance
6 in the account to the city or county and close the account of
7 that city or county. The director of revenue shall notify each
8 city or county of each instance of any amount refunded or any
9 check redeemed from receipts due the city or county.

10 94.705. 1. Any city may by a majority vote of its
11 governing body impose a sales tax for transportation purposes
12 enumerated in sections 94.700 to 94.755, and issue bonds for
13 transportation purposes which shall be retired by the revenues
14 received from the sales tax authorized by this section. The tax
15 authorized by this section shall be in addition to any and all
16 other sales taxes allowed by law. No ordinance imposing a sales
17 tax pursuant to the provisions of this section shall become
18 effective unless the council or other governing body submits to
19 the voters of the city, at a city or state general, primary, or
20 special election, a proposal to authorize the council or other
21 governing body of the city to impose such a sales tax and, if
22 such tax is to be used to retire bonds authorized pursuant to
23 this section, to authorize such bonds and their retirement by
24 such tax; except that no vote shall be required in any city that
25 imposed and collected such tax under sections 94.600 to 94.655,
26 before January 5, 1984. The ballot of the submission shall
27 contain, but is not limited to, the following language:

28 (1) If the proposal submitted involves only authorization

1 to impose the tax authorized by this section, the following
2 language:

3 Shall the city of (city's
4 name) impose a sales tax of
5 (insert amount) for transportation purposes?

6 YES NO

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

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

13 Shall the city of (city's
14 name) issue bonds in the amount of (insert
15 amount) for transportation purposes and impose a sales tax of . .
16 (insert amount) to repay such bonds?

17 YES NO

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

21 If a majority of the votes cast on the proposal, provided in
22 subdivision (1) of this subsection, by the qualified voters
23 voting thereon are in favor of the proposal, then the ordinance
24 and any amendments thereto shall be in effect. If the
25 four-sevenths majority of the votes, as required by the Missouri
26 Constitution, article VI, section 26, cast on the proposal,
27 provided in subdivision (2) of this subsection to issue bonds and
28 impose a sales tax to retire such bonds, by the qualified voters

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

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

1 tax under the provisions of sections 94.600 to 94.655.

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

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

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

23 143.011. 1. A tax is hereby imposed for every taxable year
24 on the Missouri taxable income of every resident.

25 (1) For all tax years beginning on or before the later of
26 December 31, 2013, or the first calendar year after the amount of
27 general revenue collected in the previous fiscal year exceeded
28 the highest amount of general revenue collected in any of the

1 three fiscal years prior to such year by at least one hundred
2 million dollars, the tax shall be determined by applying the tax
3 table or the rate provided in section 143.021, which is based
4 upon the following rates:

5 If the Missouri taxable income is: The tax is:

6	Not over \$1,000.00	1 1/2% of the Missouri
7		taxable income
8	Over \$1,000 but not over \$2,000	\$15 plus 2% of excess
9		over \$1,000
10	Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess
11		over \$2,000
12	Over \$3,000 but not over \$4,000	\$60 plus 3% of excess
13		over \$3,000
14	Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess
15		over \$4,000
16	Over \$5,000 but not over \$6,000	\$125 plus 4% of excess
17		over \$5,000
18	Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess
19		over \$6,000
20	Over \$7,000 but not over \$8,000	\$210 plus 5% of excess
21		over \$7,000
22	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess
23		over \$8,000
24	Over \$9,000	\$315 plus 6% of excess
25		over \$9,000

26 (2) Beginning with the first calendar year after the amount
27 of general revenue collected in the previous fiscal year exceeded
28 the highest amount of general revenue collected in any of the

three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax for all tax years beginning in that calendar year and thereafter, until the provisions of subdivision (3) of this subsection are met, shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is: The tax is:

Not over \$1,000.00 1 1/2% of the Missouri taxable income

Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess over \$1,000

Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess over \$2,000

Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess over \$3,000

Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess over \$4,000

Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess over \$5,000

Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess over \$6,000

Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess over \$7,000

Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess over \$8,000

Over \$9,000 \$315 plus 5 19/20% of excess over \$9,000

(3) Beginning with the second calendar year after the

1 amount of general revenue collected in the previous fiscal year
 2 exceeded the highest amount of general revenue collected in any
 3 of the three fiscal years prior to such year by at least one
 4 hundred million dollars, the tax for all tax years beginning in
 5 that calendar year and thereafter, until the provisions of
 6 subdivision (4) of this subsection are met, shall be determined
 7 by applying the tax table or the rate provided in section
 8 143.021, which is based upon the following rates:

<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri</u>
	<u>taxable income</u>
<u>Over \$1,000 but not over \$2,000 . .</u>	<u>\$15 plus 2% of excess</u>
	<u>over \$1,000</u>
<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>
	<u>over \$2,000</u>
<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess</u>
	<u>over \$3,000</u>
<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess</u>
	<u>over \$4,000</u>
<u>Over \$5,000 but not over \$6,000 . . .</u>	<u>\$125 plus 4% of excess</u>
	<u>over \$5,000</u>
<u>Over \$6,000 but not over \$7,000 . . .</u>	<u>\$165 plus 4 1/2% of excess</u>
	<u>over \$6,000</u>
<u>Over \$7,000 but not over \$8,000 . . .</u>	<u>\$210 plus 5% of excess</u>
	<u>over \$7,000</u>
<u>Over \$8,000 but not over \$9,000 . . .</u>	<u>\$260 plus 5 1/2% of excess</u>
	<u>over \$8,000</u>
<u>Over \$9,000</u>	<u>\$315 plus 5 9/10% of excess</u>

over \$9,000

(4) Beginning with the third calendar year after the amount of general revenue collected in the previous fiscal year exceeded the highest amount of general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax for all tax years beginning in that calendar year and thereafter, until the provisions of subdivision (5) of this subsection are met, shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri taxable income</u>
<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess over \$1,000</u>
<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess over \$2,000</u>
<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess over \$3,000</u>
<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess over \$4,000</u>
<u>Over \$5,000 but not over \$6,000 . . .</u>	<u>\$125 plus 4% of excess over \$5,000</u>
<u>Over \$6,000 but not over \$7,000 . . .</u>	<u>\$165 plus 4 1/2% of excess over \$6,000</u>
<u>Over \$7,000 but not over \$8,000 . . .</u>	<u>\$210 plus 5% of excess over \$7,000</u>
<u>Over \$8,000 but not over \$9,000 . . .</u>	<u>\$260 plus 5 1/2% of excess</u>

over \$8,000

Over \$9,000 \$315 plus 5 17/20% of excess

over \$9,000

(5) Beginning with the fourth calendar year after the amount of general revenue collected in the previous fiscal year exceeded the highest amount of general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax for all tax years beginning in that calendar year and thereafter, until the provisions of subdivision (6) of this subsection are met, shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is: The tax is:

Not over \$1,000.00 1 1/2% of the Missouri taxable income

Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess over \$1,000

Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess over \$2,000

Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess over \$3,000

Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess over \$4,000

Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess over \$5,000

Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess over \$6,000

Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess

1	<u>over \$7,000</u>
2	<u>Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess</u>
3	<u>over \$8,000</u>
4	<u>Over \$9,000 \$315 plus 5 8/10% of excess</u>
5	<u>over \$9,000</u>

6 (6) Beginning with the fifth calendar year after the amount
7 of general revenue collected in the previous fiscal year exceeded
8 the highest amount of general revenue collected in any of the
9 three fiscal years prior to such fiscal year by at least one
10 hundred million dollars, the tax for all tax years beginning in
11 that calendar year and thereafter, until the provisions of
12 subdivision (7) of this subsection are met, shall be determined
13 by applying the tax table or the rate provided in section
14 143.021, which is based upon the following rates:

15	<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
16	<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri</u>
17		<u>taxable income</u>
18	<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess</u>
19		<u>over \$1,000</u>
20	<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>
21		<u>over \$2,000</u>
22	<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess</u>
23		<u>over \$3,000</u>
24	<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess</u>
25		<u>over \$4,000</u>
26	<u>Over \$5,000 but not over \$6,000 . . .</u>	<u>\$125 plus 4% of excess</u>
27		<u>over \$5,000</u>
28	<u>Over \$6,000 but not over \$7,000 . . .</u>	<u>\$165 plus 4 1/2% of excess</u>

over \$6,000
 2 Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess
 3 over \$7,000
 4 Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess
 5 over \$8,000
 6 Over \$9,000 \$315 plus 5 15/20% of excess
 7 over \$9,000
 8 (7) Beginning with the sixth calendar year after the amount
 9 of general revenue collected in the previous fiscal year exceeded
 10 the highest amount of general revenue collected in any of the
 11 three fiscal years prior to such fiscal year by at least one
 12 hundred million dollars, the tax for all tax years beginning in
 13 that calendar year and thereafter, until the provisions of
 14 subdivision (8) of this subsection are met, shall be determined
 15 by applying the tax table or the rate provided in section
 16 143.021, which is based upon the following rates:
 17 If the Missouri taxable income is: The tax is:
 18 Not over \$1,000.00 1 1/2% of the Missouri
 19 taxable income
 20 Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess
 21 over \$1,000
 22 Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess
 23 over \$2,000
 24 Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess
 25 over \$3,000
 26 Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess
 27 over \$4,000
 28 Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess

1	<u>over \$5,000</u>
2	<u>Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess</u>
3	<u>over \$6,000</u>
4	<u>Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess</u>
5	<u>over \$7,000</u>
6	<u>Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess</u>
7	<u>over \$8,000</u>
8	<u>Over \$9,000 \$315 plus 5 7/10% of excess</u>
9	<u>over \$9,000</u>

10 (8) Beginning with the seventh calendar year after the
11 amount of general revenue collected in the previous fiscal year
12 exceeded the highest amount of general revenue collected in any
13 of the three fiscal years prior to such fiscal year by at least
14 one hundred million dollars, the tax for all tax years beginning
15 in that calendar year and thereafter, until the provisions of
16 subdivision (9) of this subsection are met, shall be determined
17 by applying the tax table or the rate provided in section
18 143.021, which is based upon the following rates:

19	<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
20	<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri</u>
21		<u>taxable income</u>
22	<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess</u>
23		<u>over \$1,000</u>
24	<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>
25		<u>over \$2,000</u>
26	<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess</u>
27		<u>over \$3,000</u>
28	<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess</u>

1	<u>over \$4,000</u>
2	<u>Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess</u>
3	<u>over \$5,000</u>
4	<u>Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess</u>
5	<u>over \$6,000</u>
6	<u>Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess</u>
7	<u>over \$7,000</u>
8	<u>Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess</u>
9	<u>over \$8,000</u>
10	<u>Over \$9,000 \$315 plus 5 13/20% of excess</u>
11	<u>over \$9,000</u>

12 (9) Beginning with the eighth calendar year after the
13 amount of general revenue collected in the previous fiscal year
14 exceeded the highest amount of general revenue collected in any
15 of the three fiscal years prior to such fiscal year by at least
16 one hundred million dollars, the tax for all tax years beginning
17 in that calendar year and thereafter, until the provisions of
18 subdivision (10) of this subsection are met, shall be determined
19 by applying the tax table or the rate provided in section
20 143.021, which is based upon the following rates:

21 If the Missouri taxable income is: The tax is:

22	<u>Not over \$1,000.00 1 1/2% of the Missouri</u>
23	<u>taxable income</u>
24	<u>Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess</u>
25	<u>over \$1,000</u>
26	<u>Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess</u>
27	<u>over \$2,000</u>
28	<u>Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess</u>

1	<u>over \$3,000</u>
2	<u>Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess</u>
3	<u>over \$4,000</u>
4	<u>Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess</u>
5	<u>over \$5,000</u>
6	<u>Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess</u>
7	<u>over \$6,000</u>
8	<u>Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess</u>
9	<u>over \$7,000</u>
10	<u>Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess</u>
11	<u>over \$8,000</u>
12	<u>Over \$9,000 \$315 plus 5 6/10% of excess</u>
13	<u>over \$9,000</u>

14 (10) Beginning with the ninth calendar year after the
15 amount of general revenue collected in the previous fiscal year
16 exceeded the highest amount of general revenue collected in any
17 of the three fiscal years prior to such fiscal year by at least
18 one hundred million dollars, the tax for all tax years beginning
19 in that calendar year and thereafter, until the provisions of
20 subdivision (11) of this subsection are met, shall be determined
21 by applying the tax table or the rate provided in section
22 143.021, which is based upon the following rates:

23	<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
24	<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri</u>
25		<u>taxable income</u>
26	<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess</u>
27		<u>over \$1,000</u>
28	<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>

1	<u>over \$2,000</u>
2	<u>Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess</u>
3	<u>over \$3,000</u>
4	<u>Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess</u>
5	<u>over \$4,000</u>
6	<u>Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess</u>
7	<u>over \$5,000</u>
8	<u>Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess</u>
9	<u>over \$6,000</u>
10	<u>Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess</u>
11	<u>over \$7,000</u>
12	<u>Over \$8,000 but not over \$9,000 . . . \$260 plus 5 1/2% of excess</u>
13	<u>over \$8,000</u>
14	<u>Over \$9,000 \$315 plus 5 11/20% of excess</u>
15	<u>over \$9,000</u>
16	<u>(11) Beginning with the tenth calendar year after the</u>
17	<u>amount of general revenue collected in the previous fiscal year</u>
18	<u>exceeded the highest amount of general revenue collected in any</u>
19	<u>of the three fiscal years prior to such fiscal year by at least</u>
20	<u>one hundred million dollars, the tax for all tax years beginning</u>
21	<u>in that calendar year and thereafter shall be determined by</u>
22	<u>applying the tax table or the rate provided in section 143.021,</u>
23	<u>which is based upon the following rates:</u>
24	<u>If the Missouri taxable income is: The tax is:</u>
25	<u>Not over \$1,000.00 1 1/2% of the Missouri</u>
26	<u>taxable income</u>
27	<u>Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess</u>
28	<u>over \$1,000</u>

1	<u>Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess</u>
2	<u>over \$2,000</u>
3	<u>Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess</u>
4	<u>over \$3,000</u>
5	<u>Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess</u>
6	<u>over \$4,000</u>
7	<u>Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess</u>
8	<u>over \$5,000</u>
9	<u>Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess</u>
10	<u>over \$6,000</u>
11	<u>Over \$7,000 but not over \$8,000 . . . \$210 plus 5% of excess</u>
12	<u>over \$7,000</u>
13	<u>Over \$8,000 \$260 plus 5 1/2% of excess</u>
14	<u>over \$8,000</u>

15 2. If the federal Marketplace Fairness Act of 2013 or
16 similar legislation providing for a uniform method of collection
17 of sales and use tax on purchases shipped into this state becomes
18 federal law, the director of the department of revenue shall, by
19 rule, adjust the tax tables of subsection 1 of this section to
20 decrease the maximum rate of tax by one-half of a percent.

21 143.021. 1. For all tax years beginning before the tenth
22 calendar year after the amount of general revenue collected in
23 the previous fiscal year exceeded the highest amount of general
24 revenue collected in any of the three fiscal years prior to such
25 fiscal year by at least one hundred million dollars, every
26 resident having a taxable income of less than nine thousand
27 dollars shall determine his tax from a tax table prescribed by
28 the director of revenue and based upon the rates provided in

1 section 143.011. The tax table shall be on the basis of one
2 hundred dollar increments of taxable income below nine thousand
3 dollars. The tax provided in the table shall be the amount
4 rounded to the nearest whole dollar by applying the rates in
5 section 143.011 to the taxable income at the midpoint of each
6 increment, except there shall be no tax on a taxable income of
7 less than one hundred dollars. Every resident having a taxable
8 income of nine thousand dollars or more shall determine his tax
9 from the rate provided in section 143.011.

10 2. For all tax years beginning on or after the beginning of
11 the tenth calendar year after the amount of general revenue
12 collected in the previous fiscal year exceeded the highest amount
13 of general revenue collected in any of the three fiscal years
14 prior to such fiscal year by at least one hundred million
15 dollars, every resident having a taxable income of less than
16 eight thousand dollars shall determine his tax from a tax table
17 prescribed by the director of revenue and based upon the rates
18 provided in section 143.011. The tax table shall be on the basis
19 of one hundred dollar increments of taxable income below eight
20 thousand dollars. The tax provided in the table shall be the
21 amount rounded to the nearest whole dollar by applying the rates
22 in section 143.011 to the taxable income at the midpoint of each
23 increment, except there shall be no tax on a taxable income of
24 less than one hundred dollars. Every resident having a taxable
25 income of eight thousand dollars or more shall determine his tax
26 from the rate provided in section 143.011.

27 3. The department of revenue may, by rule, make adjustments
28 to the dollar amounts in this section based on the provisions in

1 subsection 2 of section 143.011.

2 143.022. 1. As used in this section, "business income"
3 means the Missouri source net profit from business determined
4 under the provisions of the Internal Revenue Code and partnership
5 income as determined by sections 143.401 and 143.471. Business
6 income shall not include "compensation" as such term is defined
7 under subsection 1 of Article IV of section 32.200 or "guaranteed
8 payments" as defined by the Internal Revenue Code.

9 2. In addition to all other modifications allowed by law,
10 there shall be subtracted from the federal adjusted gross income
11 of an individual taxpayer, the following amounts to the extent
12 included in federal adjusted gross income when determining the
13 taxpayer's Missouri adjusted gross income:

14 (1) For all tax years beginning on or after January 1,
15 2014, but before January 1, 2015, ten percent of the amount of
16 business income;

17 (2) For all tax years beginning on or after January 1,
18 2015, but before January 1, 2016, twenty percent of the amount of
19 business income;

20 (3) For all tax years beginning on or after January 1,
21 2016, but before January 1, 2017, thirty percent of the amount of
22 business income;

23 (4) For all tax years beginning on or after January 1,
24 2017, but before January 1, 2018, forty percent of the amount of
25 business income;

26 (5) For all tax years beginning on or after January 1,
27 2018, fifty percent of the amount of business income.

28 3. In the case of a small corporation described in section

1 143.471 or a partnership, computing the deduction allowed under
2 subsection 2 of this section, taxpayers described in subdivisions
3 (1) or (2) of this subsection shall be allowed such deduction
4 apportioned in proportion to their share of ownership of the
5 business on the last day of the taxpayer's tax period for which
6 such deduction is being claimed when determining the Missouri
7 adjusted gross income of:

8 (1) The shareholders of a small corporation as described in
9 section 143.471;

10 (2) The partners in a partnership.

11 143.071. 1. For all tax years beginning before September
12 1, 1993, a tax is hereby imposed upon the Missouri taxable income
13 of corporations in an amount equal to five percent of Missouri
14 taxable income.

15 2. For all tax years beginning on or after September 1,
16 1993, but before the later of December 31, 2013, or the first
17 calendar year after the amount of general revenue collected in
18 the previous fiscal year exceeded the highest amount of general
19 revenue collected in any of the three fiscal years prior to such
20 fiscal year by at least one hundred million dollars, a tax is
21 hereby imposed upon the Missouri taxable income of corporations
22 in an amount equal to six and one-fourth percent of Missouri
23 taxable income.

24 3. (1) Beginning with the first calendar year after the
25 amount of general revenue collected in the previous fiscal year
26 exceeded the highest amount of general revenue collected in any
27 of the three fiscal years prior to such fiscal year by at least
28 one hundred million dollars, for all tax years beginning in that

1 calendar year and thereafter, until the provisions of subdivision
2 (2) of this subsection are met, a tax is hereby imposed upon the
3 Missouri taxable income of corporations in an amount equal to
4 five and nineteen-twentieths percent of Missouri taxable income.

5 (2) Beginning with the second calendar year after the
6 amount of general revenue collected in the previous fiscal year
7 exceed the highest amount of general revenue collected in any of
8 the three fiscal years prior to such fiscal year by at least one
9 hundred million dollars, for all tax years beginning in that
10 calendar year and thereafter, until the provisions of subdivision
11 (3) of this subsection are met, a tax is hereby imposed upon the
12 Missouri taxable income of corporations in an amount equal to
13 five and thirteen-twentieths percent of Missouri taxable income.

14 (3) Beginning with the third calendar year after the amount
15 of general revenue collected in the previous fiscal year exceeded
16 the highest amount of general revenue collected in any of the
17 three fiscal years prior to such fiscal year by at least one
18 hundred million dollars, for all tax years beginning in that
19 calendar year and thereafter, until the provisions of subdivision
20 (4) of this subsection are met, a tax is hereby imposed upon the
21 Missouri taxable income of corporations in an amount equal to
22 five and seven-twentieths percent of Missouri taxable income.

23 (4) Beginning with the fourth calendar year after the
24 amount of general revenue collected in the previous fiscal year
25 exceeded the highest amount of general revenue collected in any
26 of the three fiscal years prior to such fiscal year by at least
27 one hundred million dollars, for all tax years beginning in that
28 calendar year and thereafter, until the provisions of subdivision

1 (5) of this subsection are met, a tax is hereby imposed upon the
2 Missouri taxable income of corporations in an amount equal to
3 five and one-twentieth percent of Missouri taxable income.

4 (5) Beginning with the fifth calendar year after the amount
5 of general revenue collected in the previous fiscal year exceeded
6 the highest amount of general revenue collected in any of the
7 three fiscal years prior to such fiscal year by at least one
8 hundred million dollars, for all tax years beginning in that
9 calendar year and thereafter, until the provisions of subdivision
10 (6) of this subsection are met, a tax is hereby imposed upon the
11 Missouri taxable income of corporations in an amount equal to
12 four and three-quarters percent of Missouri taxable income.

13 (6) Beginning with the sixth calendar year after the amount
14 of general revenue collected in the previous fiscal year exceeded
15 the highest amount of general revenue collected in any of the
16 three fiscal years prior to such fiscal year by at least one
17 hundred million dollars, for all tax years beginning in that
18 calendar year and thereafter, until the provisions of subdivision
19 (7) of this subsection are met, a tax is hereby imposed upon the
20 Missouri taxable income of corporations in an amount equal to
21 four and nine-twentieths percent of Missouri taxable income.

22 (7) Beginning with the seventh calendar year after the
23 amount of general revenue collected in the previous fiscal year
24 exceeded the highest amount of general revenue collected in any
25 of the three fiscal years prior to such fiscal year by at least
26 one hundred million dollars, for all tax years beginning in that
27 calendar year and thereafter, until the provisions of subdivision
28 (8) of this subsection are met, a tax is hereby imposed upon the

1 Missouri taxable income of corporations in an amount equal to
2 four and three-twentieths percent of Missouri taxable income.

3 (8) Beginning with the eighth calendar year after the
4 amount of general revenue collected in the previous fiscal year
5 exceeded the highest amount of general revenue collected in any
6 of the three fiscal years prior to such fiscal year by at least
7 one hundred million dollars, for all tax years beginning in that
8 calendar year and thereafter, until the provisions of subdivision
9 (9) of this subsection are met, a tax is hereby imposed upon the
10 Missouri taxable income of corporations in an amount equal to
11 three and seventeen-twentieths percent of Missouri taxable
12 income.

13 (9) Beginning with the ninth calendar year after the amount
14 of general revenue collected in the previous fiscal year exceeded
15 the highest amount of general revenue collected in any of the
16 three fiscal years prior to such fiscal year by at least one
17 hundred million dollars, for all tax years beginning in that
18 calendar year and thereafter, until the provisions of subdivision
19 (10) of this subsection are met, a tax is hereby imposed upon the
20 Missouri taxable income of corporations in an amount equal to
21 three and eleven-twentieths percent of Missouri taxable income.

22 (10) Beginning with the tenth calendar year after the
23 amount of general revenue collected in the previous fiscal year
24 exceeded the highest amount of general revenue collected in any
25 of the three fiscal years prior to such fiscal year by at least
26 one hundred million dollars, for all tax years beginning in that
27 calendar year and thereafter, a tax is hereby imposed upon the
28 Missouri taxable income of corporations in an amount equal to

1 three and one-quarter percent of Missouri taxable income.

2 143.151. For all taxable years beginning before January 1,
3 1999, a resident shall be allowed a deduction of one thousand two
4 hundred dollars for himself or herself and one thousand two
5 hundred dollars for his or her spouse if he or she is entitled to
6 a deduction for such personal exemptions for federal income tax
7 purposes. For all taxable years beginning on or after January 1,
8 1999, a resident shall be allowed a deduction of two thousand one
9 hundred dollars for himself or herself and two thousand one
10 hundred dollars for his or her spouse if he or she is entitled to
11 a deduction for such personal exemptions for federal income tax
12 purposes. For all tax years beginning on or after January 1,
13 2014, a resident with a Missouri adjusted gross income of less
14 than twenty thousand dollars shall be allowed an additional
15 deduction of one thousand dollars for himself or herself and an
16 additional one thousand dollars for his or her spouse if he or
17 she is entitled to a deduction for such personal exemptions for
18 federal income tax purposes and his or her spouse's Missouri
19 adjusted gross income is less than twenty thousand dollars.

20 143.221. 1. Every employer required to deduct and withhold
21 tax under sections 143.011 to 143.996 shall, for each calendar
22 quarter, on or before the last day of the month following the
23 close of such calendar quarter, file a withholding return as
24 prescribed by the director of revenue and pay over to the
25 director of revenue or to a depository designated by the director
26 of revenue the taxes so required to be deducted and withheld.

27 2. Where the aggregate amount required to be deducted and
28 withheld by any employer exceeds fifty dollars for at least two

1 of the preceding twelve months, the director, by regulation, may
2 require a monthly return. The due dates of the monthly return
3 and the monthly payment or deposit for the first two months of
4 each quarter shall be by the fifteenth day of the succeeding
5 month. The due dates of the monthly return and the monthly
6 payment or deposit for the last month of each quarter shall be by
7 the last day of the succeeding month. The director may increase
8 the amount required for making a monthly employer withholding
9 payment and return to more than fifty dollars or decrease such
10 required amount, however, the decreased amount shall not be less
11 than fifty dollars.

12 3. Where the aggregate amount required to be deducted and
13 withheld by any employer is less than [twenty] one hundred
14 dollars in each of the four preceding quarters, and to the extent
15 the employer does not meet the requirements in subsection 1 or 2
16 of this section for filing a withholding return on a quarterly or
17 monthly basis, the employer shall file a withholding return for a
18 calendar year. The director, by regulation, may also allow other
19 employers to file annual returns. The return shall be filed and
20 the taxes if any paid on or before January thirty-first of the
21 succeeding year. The director may increase the amount required
22 for making an annual employer withholding payment and return to
23 more than [twenty] one hundred dollars or decrease such required
24 amount, however, the decreased amount shall not be less than
25 [twenty] one hundred dollars.

26 4. If the director of revenue finds that the collection of
27 taxes required to be deducted and withheld by an employer may be
28 jeopardized by delay, he may require the employer to pay over the

1 tax or make a return at any time. A lien outstanding with regard
2 to any tax administered by the director shall be a sufficient
3 basis for this action.

4 144.010. 1. The following words, terms, and phrases when
5 used in [sections 144.010 to 144.525] this chapter shall have the
6 meanings ascribed to them in this section, except when the
7 context indicates a different meaning:

8 (1) "Admission" includes seats and tables, reserved or
9 otherwise, and other similar accommodations and charges made
10 therefor and amount paid for admission, exclusive of any
11 admission tax imposed by the federal government or by sections
12 144.010 to 144.525;

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

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

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

27 (5) "Alcoholic beverages", beverages that are suitable for
28 human consumption and contain one-half of one percent or more of

1 alcohol by volume;

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

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

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

16 (a) Antimicrobial agents;

17 (b) Fluoride;

18 (c) Carbonation;

19 (d) Vitamins, minerals, and electrolytes;

20 (e) Oxygen;

21 (f) Preservatives; and

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

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

26 (9) "Bundled transaction":

27 (a) The retail sale of two or more products, except real
28 property and services to real property, where the products are

1 otherwise distinct and identifiable, and the products are sold
2 for one nonitemized price. A bundled transaction shall not
3 include the sale of any products in which the sales price varies,
4 or is negotiable, based on the selection by the purchaser of the
5 products included in the transaction;

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

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

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

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

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

27 (d) a. A transaction that otherwise meets the definition
28 of a bundled transaction as defined in this subdivision shall not

1 constitute a bundled transaction if it is:

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

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

12 (iii) A transaction that includes taxable products and
13 nontaxable products and the sales price of the taxable products
14 is de minimis.

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

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

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

22 (ii) A retail sale of exempt tangible personal property and
23 taxable tangible personal property where:

24 i. The transaction included food and food ingredients,
25 drugs, durable medical equipment, mobility enhancing equipment,
26 over-the-counter drugs, prosthetic devices, or medical supplies;
27 and

28 ii. The seller's purchase price or sales price of the

1 taxable tangible personal property is fifty percent or less of
2 the total sales price of the bundled tangible personal property.
3 Sellers shall not use a combination of the purchase price and
4 sales price of the tangible personal property when making the
5 fifty percent determination for a transaction;

6 (10) "Business" includes any activity engaged in by any
7 person, or caused to be engaged in by him, with the object of
8 gain, benefit or advantage, either direct or indirect, and the
9 classification of which business is of such character as to be
10 subject to the terms of sections 144.010 to 144.525. The
11 isolated or occasional sale of tangible personal property,
12 service, substance, or thing, by a person not engaged in such
13 business, does not constitute engaging in business within the
14 meaning of sections 144.010 to 144.525 unless the total amount of
15 the gross receipts from such sales, exclusive of receipts from
16 the sale of tangible personal property by persons which property
17 is sold in the course of the partial or complete liquidation of a
18 household, farm or nonbusiness enterprise, exceeds three thousand
19 dollars in any calendar year. The provisions of this subdivision
20 shall not be construed to make any sale of property which is
21 exempt from sales tax or use tax on June 1, 1977, subject to that
22 tax thereafter;

23 [(3)] (11) "Calendar quarter", the period of three
24 consecutive calendar months ending on March thirty-first, June
25 thirtieth, September thirtieth or December thirty-first;

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

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

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

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

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

22 (17) "Clothing":

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

24 (b) Clothing shall include:

25 a. Aprons, household and shop;

26 b. Athletic supporters;

27 c. Baby receiving blankets;

28 d. Bathing suits and caps;

- 1 e. Beach capes and coats;
2 f. Belts and suspenders;
3 g. Boots;
4 h. Coats and jackets;
5 i. Costumes;
6 j. Diapers, children and adult, including disposable
7 diapers;
8 k. Ear muffs;
9 l. Footlets;
10 m. Formal wear;
11 n. Garters and garter belts;
12 o. Girdles;
13 p. Gloves and mittens for general use;
14 q. Hats and caps;
15 r. Hosiery;
16 s. Insoles for shoes;
17 t. Lab coats;
18 u. Neckties;
19 v. Overshoes;
20 w. Pantyhose;
21 x. Rainwear;
22 y. Rubber pants;
23 z. Sandals;
24 aa. Scarves;
25 bb. Shoes and shoe laces;
26 cc. Slippers;
27 dd. Sneakers;
28 ee. Socks and stockings;

1 ff. Steel toed shoes;
2 gg. Underwear;
3 hh. Uniforms, athletic and nonathletic; and
4 ii. Wedding apparel;
5 (c) Clothing shall not include:
6 a. Belt buckles sold separately;
7 b. Costume masks sold separately;
8 c. Patches and emblems sold separately;
9 d. Sewing equipment and supplies, including but not limited
10 to, knitting needles, patterns, pins, scissors, sewing machines,
11 sewing needles, tape measures, and thimbles; and
12 e. Sewing materials that become part of clothing, including
13 but not limited to buttons, fabric, lace, thread, yarn, and
14 zippers;
15 (18) "Clothing accessories and equipment", incidental items
16 worn on the person or in conjunction with clothing. Clothing
17 accessories or equipment are mutually exclusive of clothing,
18 sport or recreational equipment, and protective equipment;
19 (19) "Coin-operated telephone service", a
20 telecommunications service paid for by inserting money into a
21 telephone accepting direct deposits of money to operate;
22 (20) "Communications channel", a physical or virtual path
23 of communications over which signals are transmitted between or
24 among customer channel termination points;
25 (21) "Computer", an electronic device that accepts
26 information in digital or similar form and manipulates it for a
27 result based on a sequence of instructions;
28 (22) "Computer software", a set of coded instructions

1 designed to cause a computer or automatic data processing
2 equipment to perform a task. Computer software shall not include
3 specified digital products, digital audio-visual works, digital
4 audio works, or digital books;

5 (23) "Conference bridging service", an ancillary service
6 that links two or more participants of an audio or video
7 conference call and may include the provision of a telephone
8 number. Conference bridging service does not include the
9 telecommunications services used to reach the conference bridge;

10 (24) "Customer channel termination point", the location
11 where the telecommunications customer either inputs or receives
12 the communication;

13 (25) "Delivered electronically", delivered to the purchaser
14 by means other than tangible storage media;

15 (26) "Delivery charges", charges by the seller of personal
16 property or services for preparation and delivery to a location
17 designated by the purchaser of personal property or services,
18 including but not limited to transportation, shipping, postage,
19 handling, crating, and packing;

20 (27) "Detailed telecommunications billing service", an
21 ancillary service of separately stating information pertaining to
22 individual calls on a telecommunications customer's billing
23 statement;

24 (28) "Dietary supplement", any product, other than tobacco,
25 intended to supplement the diet that contains one or more of the
26 following dietary ingredients: a vitamin; a mineral; an herb or
27 other botanical; an amino acid; a dietary substance for use by
28 humans to supplement the diet by increasing the total dietary

intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;

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

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

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

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

(33) "Directory assistance", an ancillary service of

1 providing telephone number information, or address information;

2 (34) "Drug":

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

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

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

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

14 (b) Drug shall include insulin and medical oxygen;

15 (35) "Durable medical equipment", equipment including
16 repair and replacement parts for same, excluding mobility
17 enhancing equipment. Durable medical equipment:

18 (a) Can withstand repeated use;

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

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

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

24 (e) Is for home use;

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

27 (g) Shall not include:

28 a. Kidney dialysis equipment not worn in or on the body,

1 including repair and replacement parts; and

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

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

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

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

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

20 (39) "Engages in business activities within this state",
21 includes:

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

26 (b) Soliciting sales or taking orders by sales agents or
27 traveling representatives;

28 (c) A vendor is presumed to "engage in business activities

1 within this state" if any person, other than a common carrier
2 acting in its capacity as such, that has substantial nexus with
3 this state:

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

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

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

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

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

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

24 (e) Notwithstanding paragraph (c), a vendor shall be
25 presumed to engage in business activities within this state if
26 the vendor enters into an agreement with one or more residents of
27 this state under which the resident, for a commission or other
28 consideration, directly or indirectly refers potential customers,

1 whether by a link on an internet website, an in-person oral
2 presentation, telemarketing, or otherwise, to the vendor, if the
3 cumulative gross receipts from sales by the vendor to customers
4 in the state who are referred to the vendor by all residents with
5 this type of an agreement with the vendor is in excess of ten
6 thousand dollars during the preceding twelve months;

7 (f) The presumption in paragraph (e) may be rebutted by
8 submitting proof that the residents with whom the vendor has an
9 agreement did not engage in any activity within the state that
10 was significantly associated with the vendor's ability to
11 establish or maintain the vendor's market in the state during the
12 preceding twelve months. Such proof may consist of sworn written
13 statements from all of the residents with whom the vendor has an
14 agreement stating that they did not engage in any solicitation in
15 the state on behalf of the vendor during the preceding year
16 provided that such statements were provided and obtained in good
17 faith;

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

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

26 (42) "Grooming and hygiene products", soaps and cleaning
27 solutions, shampoo, toothpaste, mouthwash, antiperspirants, and
28 suntan lotions and screens, regardless of whether the items meet

1 the definition of over-the-counter-drugs;

2 [(4)] (43) "Gross receipts" [,] or "sales price":

3 (a) Except as provided in section 144.012, [means the total
4 amount of the sale price of the sales at retail including any
5 services other than charges incident to the extension of credit
6 that are a part of such sales made by the businesses herein
7 referred to, capable of being valued in money, whether received
8 in money or otherwise; except that, the term "gross receipts"
9 shall not include the sale price of property returned by
10 customers when the full sale price thereof is refunded either in
11 cash or by credit. In determining any tax due under sections
12 144.010 to 144.525 on the gross receipts, charges incident to the
13 extension of credit shall be specifically exempted. For the
14 purposes of sections 144.010 to 144.525 the total amount of the
15 sale price above mentioned shall be deemed to be the amount
16 received. It shall also include the lease or rental
17 consideration where the right to continuous possession or use of
18 any article of tangible personal property is granted under a
19 lease or contract and such transfer of possession would be
20 taxable if outright sale were made and, in such cases, the same
21 shall be taxable as if outright sale were made and considered as
22 a sale of such article, and the tax shall be computed and paid by
23 the lessee upon the rentals paid;] applies to the measure subject
24 to sales tax and means the total amount of consideration,
25 including cash, credit, property, and services, for which
26 personal property or services are sold, leased, or rented, valued
27 in money, whether received in money or otherwise, without any
28 deduction for the following:

- 1 a. The seller's cost of the property sold;
- 2 b. The cost of materials used, labor or service cost,
- 3 interest, losses, all costs of transportation to the seller, all
- 4 taxes imposed on the seller, and any other expense of the seller;
- 5 c. Charges by the seller for any services necessary to
- 6 complete the sale, other than delivery and installation charges;
- 7 d. Delivery charges; and
- 8 e. Credit for any trade-in;

9 (b) Shall not include:

10 a. Discounts, including cash, term, or coupons that are not

11 reimbursed by a third party that are allowed by a seller and

12 taken by a purchaser on a sale;

13 b. Interest, financing, and carrying charges from credit

14 extended on the sale of personal property or services, if the

15 amount is separately stated on the invoice, bill of sale or

16 similar document given to the purchaser; and

17 c. Any taxes legally imposed directly on the consumer that

18 are separately stated on the invoice, bill of sale or similar

19 document given to the purchaser;

20 (c) Shall include consideration received by the seller from

21 third parties if:

22 a. The seller actually receives consideration from a party

23 other than the purchaser and the consideration is directly

24 related to a price reduction or discount on the sale;

25 b. The seller has an obligation to pass the price reduction

26 or discount through to the purchaser;

27 c. The amount of the consideration attributable to the sale

28 is fixed and determinable by the seller at the time of the sale

1 of the item to the purchaser; and

2 d. One of the following criteria is met:

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

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

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

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

21 (45) "Lease or rental":

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

26 (b) Lease or rental shall not include:

27 a. A transfer of possession or control of property under a
28 security agreement or deferred payment plan that requires the

1 transfer of title upon completion of the required payments;

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

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

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

17 (46) "Light aircraft", a light airplane that seats no more
18 than four persons, with a gross weight of three thousand pounds
19 or less, which is primarily used for recreational flying or
20 flight training;

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

27 (48) "Light aircraft parts and components", manufactured
28 light aircraft parts, including air frame and engine parts, that

1 are required by the qualified light aircraft purchaser to
2 complete a light aircraft kit, or spare or replacement parts for
3 an already completed light aircraft;

4 [(5)] (49) "Livestock", cattle, calves, sheep, swine,
5 ratite birds, including but not limited to, ostrich and emu,
6 aquatic products as defined in section 277.024, llamas, alpaca,
7 buffalo, elk documented as obtained from a legal source and not
8 from the wild, goats, horses, other equine, or rabbits raised in
9 confinement for human consumption;

10 [(6)] (50) "Load and leave", delivery to the purchaser by
11 use of a tangible storage media where the tangible storage media
12 is not physically transferred to the purchaser;

13 (51) "Maintains a place of business in this state",
14 includes maintaining, occupying, or using, permanently or
15 temporarily, directly or indirectly, by whatever name called, an
16 office, place of distribution, sales or sample room or place,
17 warehouse or storage place, or other place of business in this
18 state, whether owned or operated by the vendor or by any other
19 person other than a common carrier acting in its capacity as
20 such;

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

24 (53) "Mobility enhancing equipment", equipment, including
25 repair and replacement parts to same, which:

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

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

3 _____ (c) Is within the classification of devices eligible for Mo
4 HealthNet and Medicare reimbursement.

5 Mobility enhancement equipment shall not include durable medical
6 equipment or any motor vehicle or equipment on a motor vehicle
7 normally provided by a motor vehicle manufacturer;

8 _____ (54) "Model 1 seller", a seller registered under the
9 agreement that has selected a certified service provider as its
10 agent to perform all the seller's sales and use tax functions,
11 other than the seller's obligation to remit tax on its own
12 purchases;

13 _____ (55) "Model 2 seller", a seller that has selected a
14 certified automated system (CAS) to perform part of its sales and
15 use tax functions, but retains responsibility for remitting the
16 tax;

17 _____ (56) "Model 3 seller", a seller registered under the
18 agreement that has sales in at least five member states, has
19 total annual sales revenue of at least five hundred million
20 dollars, has a proprietary system that calculates the amount of
21 tax due each jurisdiction, and has entered into a performance
22 agreement with the member states that establishes a tax
23 performance standard for the seller. As used in this
24 subdivision, a seller shall include an affiliated group of
25 sellers using the same proprietary system;

26 _____ (57) "Model 4 seller", a seller that is registered under
27 the agreement and is not a Model 1 Seller, a Model 2 Seller or a
28 Model 3 Seller;

1 (58) "Motor vehicle leasing company" [shall be], a company
2 obtaining a permit from the director of revenue to operate as a
3 motor vehicle leasing company. Not all persons renting or
4 leasing trailers or motor vehicles need to obtain such a permit;
5 however, no person failing to obtain such a permit may avail
6 itself of the optional tax provisions of subsection 5 of section
7 144.070, as hereinafter provided;

8 ~~[(7)]~~ (59) "Other direct mail", any direct mail that is
9 not advertising and promotional direct mail regardless of whether
10 advertising and promotional direct mail is included in the same
11 mailing. Other direct mail includes, but is not limited to:

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

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

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

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

26 (60) "Over-the-counter drug", a drug, excluding grooming
27 and hygiene products, that contains a label that identifies the
28 product as a drug as required by 21 CFR Section 201.66 and

1 includes:

2 (a) A drug facts panel; or

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

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

15 [(8)] (62) "Place of primary use", the street address
16 representative of where the telecommunications customer's use of
17 the telecommunications service primarily occurs, which shall be
18 the residential street address or the primary business street
19 address of the telecommunications customer. In the case of
20 mobile telecommunications services, place of primary use shall be
21 within the licensed service area of the home service provider;

22 (63) "Post-paid calling service", the telecommunications
23 service obtained by making a payment on a call-by-call basis
24 either through the use of a credit card or payment mechanism such
25 as a bank card, travel card, credit card, or debit card, or by
26 charge made to a telephone number which is not associated with
27 the origination or termination of the telecommunications service.
28 A post-paid calling service includes a telecommunications

1 service, except a prepaid wireless calling service, that would be
2 a prepaid calling service except it is not exclusively a
3 telecommunications service;

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

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

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

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

5 (68) "Prewritten computer software", computer software,
6 including prewritten upgrades, which is not designed and
7 developed by the author or other creator to the specifications of
8 a specific purchaser. The combining of two or more prewritten
9 computer software programs or prewritten portions thereof shall
10 not cause the combination to be other than prewritten computer
11 software. Prewritten computer software shall include software
12 designed and developed by the author or other creator to the
13 specifications of a specific purchaser when it is sold to a
14 person other than the specific purchaser. Where a person
15 modifies or enhances computer software of which the person is not
16 the author or creator, the person shall be deemed to be the
17 author or creator only of such person's modifications or
18 enhancements. Prewritten computer software or a prewritten
19 portion thereof that is modified or enhanced to any degree, where
20 such modification or enhancement is designed and developed to the
21 specifications of a specific purchaser, remains prewritten
22 computer software; provided, however, that where there is a
23 reasonable, separately stated charge or an invoice or other
24 statement of the price given to the purchaser for such
25 modification or enhancement, such modification or enhancement
26 shall not constitute prewritten computer software;

27 (69) "Private communication service", a telecommunications
28 service that entitles the customer to exclusive or priority use

1 of a communications channel or group of channels between or among
2 termination points, regardless of the manner in which such
3 channel or channels are connected, and includes switching
4 capacity, extension lines, stations, and any other associated
5 services that are provided in connection with the use of such
6 channel or channels;

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

10 (71) "Product which is intended to be sold ultimately for
11 final use or consumption", tangible personal property, or any
12 service that is subject to state or local sales or use taxes, or
13 any tax that is substantially equivalent to these taxes, in this
14 state or any other state;

15 (72) "Prosthetic device", a replacement, corrective, or
16 supportive device including repair and replacement parts for same
17 worn on or in the body to artificially replace a missing portion
18 of the body, prevent or correct physical deformity or
19 malfunction, or support a weak or deformed portion of the body.
20 The term "prosthetic device" shall not include corrective
21 eyeglasses or contact lenses and shall be limited to the
22 classification of devices eligible for MO HealthNet and Medicare
23 reimbursement;

24 (73) "Protective equipment", items for human wear and
25 designed as protection of the wearer against injury or disease or
26 as protections against damage or injury of other persons or
27 property but not suitable for general use. Protective equipment
28 are mutually exclusive of clothing, clothing accessories or

1 equipment, and sport or recreational equipment;

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

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

8 (76) "Purchaser" [means], a person [who purchases tangible]
9 to whom a sale of personal property is made or to whom [are
10 rendered services, receipts from which are taxable under sections
11 144.010 to 144.525] a service is furnished;

12 [(9)] (77) "Qualified light aircraft purchaser", a
13 purchaser of a light aircraft, light aircraft kit, light aircraft
14 parts or components who is a nonresident of this state, who will
15 transport the light aircraft, light aircraft kit, light aircraft
16 parts or components outside this state within ten days after the
17 date of purchase, and who will register any light aircraft so
18 purchased in another state or country. Such purchaser shall not
19 base such aircraft in this state and such purchaser shall not be
20 a resident of the state unless such purchaser has paid sales or
21 use tax on such aircraft in another state;

22 (78) "Receive" or "receipt", taking possession of tangible
23 personal property; making first use of services; or taking
24 possession or making first use of digital goods, whichever comes
25 first. Receive and receipt shall not include possession by a
26 shipping company on behalf of the purchaser;

27 (79) "Registered under the agreement", registration by a
28 seller with the member states under the central registration

1 system provided in Article IV of the agreement;

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

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

19 (11)] (81) "Sale at retail" [means any transfer made by
20 any person engaged in business as defined herein of the ownership
21 of, or title to, tangible personal property to the purchaser, for
22 use or consumption and not for resale in any form as tangible
23 personal property, for a valuable consideration; except that, for
24 the purposes of sections 144.010 to 144.525 and the tax imposed
25 thereby: (i) purchases of tangible personal property made by
26 duly licensed physicians, dentists, optometrists and
27 veterinarians and used in the practice of their professions shall
28 be deemed to be purchases for use or consumption and not for

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

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

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

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

28 (d) Sales of service for transmission of messages by

1 telegraph companies;

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

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

12 (82) "School art supply":

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

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

18 a. Clay and glazes;

19 b. Paints, acrylic, tempera, and oil;

20 c. Paintbrushes for artwork;

21 d. Sketch and drawing pads; and

22 e. Watercolors;

23 (83) "School computer supply":

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

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

- 1 a. Computer storage media, diskettes, compact disks;
- 2 b. Handheld electronic schedulers, except devices that are
- 3 cellular phones;
- 4 c. Personal digital assistants, except devices that are
- 5 cellular phones; and
- 6 d. Computer printers and printer supplies for computers,
- 7 printer paper, and printer ink;

8 (84) "School instructional material":

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

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

- 14 a. Reference books;
- 15 b. Reference maps and globes;
- 16 c. Textbooks; and
- 17 d. Workbooks;

18 (85) "School supply":

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

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

- 24 a. Binders;
- 25 b. Book bags;
- 26 c. Calculators;
- 27 d. Cellophane tape;
- 28 e. Blackboard chalk;

- 1 f. Compasses;
- 2 g. Composition books;
- 3 h. Crayons;
- 4 i. Erasers;
- 5 j. Folders, expandable, pocket, plastic, and manila;
- 6 k. Glue, paste, and paste sticks;
- 7 l. Highlighters;
- 8 m. Index cards;
- 9 n. Index card boxes;
- 10 o. Legal pads;
- 11 p. Lunch boxes;
- 12 q. Markers;
- 13 r. Notebooks;
- 14 s. Paper, loose leaf notebook paper, copy paper, graph
- 15 paper, tracing paper, manila paper, colored paper, poster board,
- 16 and construction paper;
- 17 t. Pencil boxes and other school supply boxes;
- 18 u. Pencil sharpeners;
- 19 v. Pencils;
- 20 w. Pens;
- 21 x. Protractors;
- 22 y. Rulers;
- 23 z. Scissors; and
- 24 aa. Writing tablets;

25 [(12)] (86) "Seller" means a person [selling or furnishing
26 tangible] making sales, leases, or rentals of personal property
27 or [rendering services, on the receipts from which a tax is
28 imposed pursuant to section 144.020] service;

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

8 (88) "Service address":

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

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

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

22 (89) "Specified digital products", electronically
23 transferred digital audio-visual works, digital audio works, and
24 digital books;

25 (90) "Sport or recreational equipment", items designed for
26 human use and worn in conjunction with an athletic or
27 recreational activity that are not suitable for general use.
28 Sport or recreational equipment are mutually exclusive of

1 clothing, clothing accessories or equipment, and protective
2 equipment;

3 (91) "State", any state of the United States, the District
4 of Columbia, and the Commonwealth of Puerto Rico;

5 (92) "Storage", any keeping or retention in this state of
6 tangible personal property purchased from a vendor, except
7 property for sale or property that is temporarily kept or
8 retained in this state for subsequent use outside the state;

9 (93) "Tangible personal property", personal property that
10 can be seen, weighed, measured, felt, or touched, or that is in
11 any other manner perceptible to the senses. Tangible personal
12 property shall include electricity, water, gas, steam, and
13 prewritten computer software. Tangible personal property shall
14 not include specified digital products, digital audio-visual
15 works, digital audio works, or digital books;

16 [(13) The noun] (94) "Tax" [means], either the tax payable
17 by the purchaser of a commodity or service subject to tax, or the
18 aggregate amount of taxes due from the vendor of such commodities
19 or services during the period for which he or she is required to
20 report his or her collections, as the context may require;

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

23 (96) "Telecommunications customer", the person or entity
24 that contracts with the seller of telecommunications services.
25 If the end user of telecommunications services is not the
26 contracting party, the end user of the telecommunications service
27 is the telecommunications customer of the telecommunication
28 service, but this definition only applies to the purpose of

1 sourcing sales of telecommunications services under section
2 144.043. Telecommunications customer shall not include a
3 reseller of telecommunications service or for mobile
4 telecommunications service of a serving carrier under an
5 agreement to serve the telecommunications customer outside the
6 home service provider's licensed service area;

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

10 [(14)] (98) "Telecommunications service"[, for the purpose
11 of this chapter, the transmission of information by wire, radio,
12 optical cable, coaxial cable, electronic impulses, or other
13 similar means. As used in this definition, "information" means
14 knowledge or intelligence represented by any form of writing,
15 signs, signals, pictures, sounds, or any other symbols.
16 Telecommunications service does not include the following if such
17 services are separately stated on the customer's bill or on
18 records of the seller maintained in the ordinary course of
19 business:

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

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

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

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

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

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

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

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

21 (d) Telecommunications service shall not include:

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

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

- 1 c. Tangible personal property;
- 2 d. Advertising, including but not limited to directory
3 advertising;
- 4 e. Billing and collection services provided to third
5 parties;
- 6 f. Internet access service;
- 7 g. Radio and television audio and video programming
8 services, regardless of the medium, including the furnishing of
9 transmission, conveyance, and routing of such services by the
10 programming service provider. Radio and television audio and
11 video programming services shall include but not be limited to
12 cable service, as defined in 47 U.S.C. Section 522(6), as
13 amended, and audio and video programming services delivered by
14 commercial mobile radio service providers, as defined in 47 CFR
15 20.3;
- 16 h. Ancillary services; or
- 17 i. Digital products delivered electronically, including,
18 but not limited to, software, music, video, reading materials, or
19 ring tones;
- 20 (99) "Transportation equipment", any of the following:
- 21 (a) Locomotives and railcars that are utilized for the
22 carriage of persons or property in interstate commerce;
- 23 (b) Trucks and truck-tractors with a gross vehicle weight
24 rating (GVWR) of ten thousand one pounds or greater, trailers,
25 semi-trailers, or passenger buses that are:
- 26 a. Registered through the International Registration Plan;
27 and
- 28 b. Operated under authority of a carrier authorized and

1 certificated by the United States Department of Transportation or
2 another federal authority to engage in the carriage of persons or
3 property in interstate commerce;

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

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

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

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

20 (102) "Use-based exemption", an exemption based on a
21 specified use of the product by the purchaser;

22 (103) "Vendor", every person engaged in making sales of
23 tangible personal property by mail order, by advertising, by
24 agent or peddling tangible personal property, soliciting or
25 taking orders for sales of tangible personal property, for
26 storage, use or consumption in this state, all salesmen,
27 solicitors, hawkers, representatives, consignees, peddlers or
28 canvassers, as agents of the dealers, distributors, consignors,

1 supervisors, principals or employers under whom they operate or
2 from whom they obtain the tangible personal property sold by
3 them, and every person who maintains a place of business in this
4 state, maintains a stock of goods in this state, or engages in
5 business activities within this state and every person who
6 engages in this state in the business of acting as a selling
7 agent for persons not otherwise vendors as defined in this
8 subdivision. Irrespective of whether they are making sales on
9 their own behalf or on behalf of the dealers, distributors,
10 consignors, supervisors, principals or employers, they shall be
11 regarded as vendors and the dealers, distributors, consignors,
12 supervisors, principals or employers shall be regarded as vendors
13 for the purposes of sections 144.600 to 144.745.

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

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

21 144.014. 1. Notwithstanding other provisions of law to the
22 contrary, beginning October 1, 1997, the tax levied and imposed
23 pursuant to sections 144.010 to 144.525 and sections 144.600 to
24 144.746 on all retail sales of food and food ingredients shall be
25 at the rate of one percent. The revenue derived from the one
26 percent rate pursuant to this section shall be deposited by the
27 state treasurer in the school district trust fund and shall be
28 distributed as provided in section 144.701.

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

18 144.022. 1. In the case of a bundled transaction that
19 includes any of the following: telecommunication service,
20 ancillary service, internet access, or audio or video programming
21 service:

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

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

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

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

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

19 (3) If an optional computer software maintenance contract
20 is a bundled transaction including both taxable and nontaxable or
21 exempt products that are not separately itemized on the invoice
22 or similar billing document, the purchase price under the
23 contract shall be taxable.

24
25 The provisions of this section shall apply unless otherwise
26 provided by federal law.

27 144.030. 1. There is hereby specifically exempted from the
28 provisions of sections 144.010 to 144.525 and from the

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

10 2. There are also specifically exempted from the provisions
11 of the local sales tax law as defined in section 32.085, section
12 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
13 and from the computation of the tax levied, assessed or payable
14 pursuant to the local sales tax law as defined in section 32.085,
15 section 238.235, and sections 144.010 to 144.525 and 144.600 to
16 144.745:

17 (1) Motor fuel or special fuel subject to an excise tax of
18 this state, unless all or part of such excise tax is refunded
19 pursuant to section 142.824; or upon the sale at retail of fuel
20 to be consumed in manufacturing or creating gas, power, steam,
21 electrical current or in furnishing water to be sold ultimately
22 at retail; or feed for livestock or poultry; or grain to be
23 converted into foodstuffs which are to be sold ultimately in
24 processed form at retail; or seed, limestone or fertilizer which
25 is to be used for seeding, liming or fertilizing crops which when
26 harvested will be sold at retail or will be fed to livestock or
27 poultry to be sold ultimately in processed form at retail;
28 economic poisons registered pursuant to the provisions of the

1 Missouri pesticide registration law (sections 281.220 to 281.310)
2 which are to be used in connection with the growth or production
3 of crops, fruit trees or orchards applied before, during, or
4 after planting, the crop of which when harvested will be sold at
5 retail or will be converted into foodstuffs which are to be sold
6 ultimately in processed form at retail;

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

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

25 (4) Motor vehicles registered in excess of fifty-four
26 thousand pounds, and the trailers pulled by such motor vehicles,
27 that are actually used in the normal course of business to haul
28 property on the public highways of the state, and that are

1 capable of hauling loads commensurate with the motor vehicle's
2 registered weight; and the materials, replacement parts, and
3 equipment purchased for use directly upon, and for the repair and
4 maintenance or manufacture of such vehicles. For purposes of
5 this subdivision "motor vehicle" and "public highway" shall have
6 the meaning as ascribed in section 390.020;

7 (5) Replacement machinery, equipment, and parts and the
8 materials and supplies solely required for the installation or
9 construction of such replacement machinery, equipment, and parts,
10 used directly in manufacturing, mining, fabricating or producing
11 a product which is intended to be sold ultimately for final use
12 or consumption; and machinery and equipment, and the materials
13 and supplies required solely for the operation, installation or
14 construction of such machinery and equipment, purchased and used
15 to establish new, or to replace or expand existing, material
16 recovery processing plants in this state. For the purposes of
17 this subdivision, a "material recovery processing plant" means a
18 facility that has as its primary purpose the recovery of
19 materials into a useable product or a different form which is
20 used in producing a new product and shall include a facility or
21 equipment which are used exclusively for the collection of
22 recovered materials for delivery to a material recovery
23 processing plant but shall not include motor vehicles used on
24 highways. For purposes of this section, the terms motor vehicle
25 and highway shall have the same meaning pursuant to section
26 301.010. Material recovery is not the reuse of materials within
27 a manufacturing process or the use of a product previously
28 recovered. The material recovery processing plant shall qualify

1 under the provisions of this section regardless of ownership of
2 the material being recovered;

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

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

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

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

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

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

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

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

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

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

28 (16) Machinery, equipment, appliances and devices purchased

1 or leased and used solely for the purpose of preventing, abating
2 or monitoring water pollution, and materials and supplies solely
3 required for the installation, construction or reconstruction of
4 such machinery, equipment, appliances and devices;

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

7 (18) All amounts paid or charged for admission or
8 participation or other fees paid by or other charges to
9 individuals in or for any place of amusement, entertainment or
10 recreation, games or athletic events, including museums, fairs,
11 zoos and planetariums, owned or operated by a municipality or
12 other political subdivision where all the proceeds derived
13 therefrom benefit the municipality or other political subdivision
14 and do not inure to any private person, firm, or corporation;

15 (19) All sales of [insulin and prosthetic or orthopedic
16 devices as defined on January 1, 1980, by the federal Medicare
17 program pursuant to Title XVIII of the Social Security Act of
18 1965, including the items specified in Section 1862(a)(12) of
19 that act, and also specifically including hearing aids and
20 hearing aid supplies and all sales of drugs which may be legally
21 dispensed by a licensed pharmacist only upon a lawful
22 prescription of a practitioner licensed to administer those
23 items, including samples and materials used to manufacture
24 samples which may be dispensed by a practitioner authorized to
25 dispense such samples and all sales or rental of medical oxygen,
26 home respiratory equipment and accessories, hospital beds and
27 accessories and ambulatory aids, all sales or rental of manual
28 and powered wheelchairs, stairway lifts, Braille writers,

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

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

21 (21) All sales of aircraft to common carriers for storage
22 or for use in interstate commerce and all sales made by or to
23 not-for-profit civic, social, service or fraternal organizations,
24 including fraternal organizations which have been declared
25 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
26 the 1986 Internal Revenue Code, as amended, in their civic or
27 charitable functions and activities and all sales made to
28 eleemosynary and penal institutions and industries of the state,

1 and all sales made to any private not-for-profit institution of
2 higher education not otherwise excluded pursuant to subdivision
3 (20) of this subsection or any institution of higher education
4 supported by public funds, and all sales made to a state relief
5 agency in the exercise of relief functions and activities;

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

16 (23) All sales made to any private not-for-profit
17 elementary or secondary school, all sales of feed additives,
18 medications or vaccines administered to livestock or poultry in
19 the production of food or fiber, all sales of pesticides used in
20 the production of crops, livestock or poultry for food or fiber,
21 all sales of bedding used in the production of livestock or
22 poultry for food or fiber, all sales of propane or natural gas,
23 electricity or diesel fuel used exclusively for drying
24 agricultural crops, natural gas used in the primary manufacture
25 or processing of fuel ethanol as defined in section 142.028,
26 natural gas, propane, and electricity used by an eligible new
27 generation cooperative or an eligible new generation processing
28 entity as defined in section 348.432, and all sales of farm

1 machinery and equipment, other than airplanes, motor vehicles and
2 trailers, and any freight charges on any exempt item. As used in
3 this subdivision, the term "feed additives" means tangible
4 personal property which, when mixed with feed for livestock or
5 poultry, is to be used in the feeding of livestock or poultry.
6 As used in this subdivision, the term "pesticides" includes
7 adjuvants such as crop oils, surfactants, wetting agents and
8 other assorted pesticide carriers used to improve or enhance the
9 effect of a pesticide and the foam used to mark the application
10 of pesticides and herbicides for the production of crops,
11 livestock or poultry. As used in this subdivision, the term
12 "farm machinery and equipment" means new or used farm tractors
13 and such other new or used farm machinery and equipment and
14 repair or replacement parts thereon and any accessories for and
15 upgrades to such farm machinery and equipment, rotary mowers used
16 exclusively for agricultural purposes, and supplies and
17 lubricants used exclusively, solely, and directly for producing
18 crops, raising and feeding livestock, fish, poultry, pheasants,
19 chukar, quail, or for producing milk for ultimate sale at retail,
20 including field drain tile, and one-half of each purchaser's
21 purchase of diesel fuel therefor which is:

22 (a) Used exclusively for agricultural purposes;

23 (b) Used on land owned or leased for the purpose of
24 producing farm products; and

25 (c) Used directly in producing farm products to be sold
26 ultimately in processed form or otherwise at retail or in
27 producing farm products to be fed to livestock or poultry to be
28 sold ultimately in processed form at retail;

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

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

21 (b) Regulated utility sellers shall determine whether
22 individual purchases are exempt or nonexempt based upon the
23 seller's utility service rate classifications as contained in
24 tariffs on file with and approved by the Missouri public service
25 commission. Sales and purchases made pursuant to the rate
26 classification "residential" and sales to and purchases made by
27 or on behalf of the occupants of residential apartments or
28 condominiums through a single or master meter, including service

1 for common areas and facilities and vacant units, shall be
2 considered as sales made for domestic use and such sales shall be
3 exempt from sales tax. Sellers shall charge sales tax upon the
4 entire amount of purchases classified as nondomestic use. The
5 seller's utility service rate classification and the provision of
6 service thereunder shall be conclusive as to whether or not the
7 utility must charge sales tax;

8 (c) Each person making domestic use purchases of [services
9 or property] electricity, piped natural or artificial gas, or
10 other fuels delivered by the seller and who uses any portion of
11 the services or property so purchased for a nondomestic use
12 shall, by the fifteenth day of the fourth month following the
13 year of purchase, and without assessment, notice or demand, file
14 a return and pay sales tax on that portion of nondomestic
15 purchases. Each person making nondomestic purchases of [services
16 or property] electricity, piped natural or artificial gas, or
17 other fuels delivered by the seller and who uses any portion of
18 the [services or property] electricity, piped natural or
19 artificial gas, or other fuels delivered by the seller so
20 purchased for domestic use, and each person making domestic
21 purchases on behalf of occupants of residential apartments or
22 condominiums through a single or master meter, including service
23 for common areas and facilities and vacant units, under a
24 nonresidential utility service rate classification may, between
25 the first day of the first month and the fifteenth day of the
26 fourth month following the year of purchase, apply for credit or
27 refund to the director of revenue and the director shall give
28 credit or make refund for taxes paid on the domestic use portion

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

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

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

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

22 (28) All sales made to an interstate compact agency created
23 pursuant to sections 70.370 to 70.441 or sections 238.010 to
24 238.100 in the exercise of the functions and activities of such
25 agency as provided pursuant to the compact;

26 (29) Computers, computer software and computer security
27 systems purchased for use by architectural or engineering firms
28 headquartered in this state. For the purposes of this

1 subdivision, "headquartered in this state" means the office for
2 the administrative management of at least four integrated
3 facilities operated by the taxpayer is located in the state of
4 Missouri;

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

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

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

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

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

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

26 (36) All sales of feed which are developed for and used in
27 the feeding of pets owned by a commercial breeder when such sales
28 are made to a commercial breeder, as defined in section 273.325,

1 and licensed pursuant to sections 273.325 to 273.357;

2 (37) All purchases by a contractor on behalf of an entity
3 located in another state, provided that the entity is authorized
4 to issue a certificate of exemption for purchases to a contractor
5 under the provisions of that state's laws. For purposes of this
6 subdivision, the term "certificate of exemption" shall mean any
7 document evidencing that the entity is exempt from sales and use
8 taxes on purchases pursuant to the laws of the state in which the
9 entity is located. Any contractor making purchases on behalf of
10 such entity shall maintain a copy of the entity's exemption
11 certificate as evidence of the exemption. If the exemption
12 certificate issued by the exempt entity to the contractor is
13 later determined by the director of revenue to be invalid for any
14 reason and the contractor has accepted the certificate in good
15 faith, neither the contractor or the exempt entity shall be
16 liable for the payment of any taxes, interest and penalty due as
17 the result of use of the invalid exemption certificate.

18 Materials shall be exempt from all state and local sales and use
19 taxes when purchased by a contractor for the purpose of
20 fabricating tangible personal property which is used in
21 fulfilling a contract for the purpose of constructing, repairing
22 or remodeling facilities for the following:

23 (a) An exempt entity located in this state, if the entity
24 is one of those entities able to issue project exemption
25 certificates in accordance with the provisions of section
26 144.062; or

27 (b) An exempt entity located outside the state if the
28 exempt entity is authorized to issue an exemption certificate to

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

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

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

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

23 (41) Beginning January 1, 2009, but not after January 1,
24 2015, materials, replacement parts, and equipment purchased for
25 use directly upon, and for the modification, replacement, repair,
26 and maintenance of aircraft, aircraft power plants, and aircraft
27 accessories;

28 (42) Sales of sporting clays, wobble, skeet, and trap

1 targets to any shooting range or similar places of business for
2 use in the normal course of business and money received by a
3 shooting range or similar places of business from patrons and
4 held by a shooting range or similar place of business for
5 redistribution to patrons at the conclusion of a shooting event;

6 (43) All sales of new light aircraft, light aircraft kits,
7 or light aircraft parts or components manufactured or
8 substantially completed within this state, when such new light
9 aircraft, light aircraft kits, or light aircraft parts or
10 components are sold by the manufacturer to a qualified purchaser.
11 The director of revenue shall prescribe the manner in which to
12 determine whether a purchaser of a light aircraft, light aircraft
13 kit, or light aircraft parts or components is a qualified
14 purchaser and is eligible for the exemption established in this
15 section;

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

22 144.032. The provisions of section 144.030 to the contrary
23 notwithstanding, any city imposing a sales tax under the
24 provisions of sections 94.500 to 94.570, or any county imposing a
25 sales tax under the provisions of sections 66.600 to 66.635, or
26 any county imposing a sales tax under the provisions of sections
27 67.500 to 67.729, or any hospital district imposing a sales tax
28 under the provisions of section 205.205 may by ordinance impose a

1 sales tax upon all sales of [metered water services,]
2 electricity, [electrical current and natural, artificial or
3 propane gas, wood, coal, or home heating oil] piped natural or
4 artificial gas, or other fuels delivered by the seller for
5 domestic use only. Such tax shall be administered by the
6 department of revenue and assessed by the retailer in the same
7 manner as any other city, county, or hospital district sales tax.
8 Domestic use shall be determined in the same manner as the
9 determination of domestic use for exemption of such sales from
10 the state sales tax under the provisions of section 144.030.

11 144.040. 1. (1) All retail sales in Missouri, excluding
12 leases and rentals, of tangible personal property or digital
13 goods shall be sourced to the location where the order is
14 received by the seller.

15 (2) This subsection shall apply only if:

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

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

23 (3) When the sale is sourced under this section to the
24 location where the order is received by the seller, only the
25 sales tax for the location where the order is received by the
26 seller may be levied. No additional sales or use tax based on
27 the location where the product is delivered to the purchaser may
28 be levied on that sale. The purchaser shall not be entitled to

1 any refund if the combined state and local rate or rates at the
2 location where the product is received by the purchaser is lower
3 than the rate where the order is received by the seller.

4 (4) A purchaser shall have no additional liability to the
5 state for tax, penalty or interest on a sale for which the
6 purchaser remits tax to the seller in the amount invoiced by the
7 seller if such invoice amount is calculated at either the rate
8 applicable to the location where receipt by the purchaser occurs
9 or at the rate applicable to the location where the order is
10 received by the seller. A purchaser may rely on a written
11 representation by the seller as to the location where the order
12 for such sale was received by the seller. When the purchaser
13 does not have a written representation by the seller as to the
14 location where the order for such sale was received by the
15 seller, the purchaser may use a location indicated by a business
16 address for the seller that is available from the business
17 records of the purchaser that are maintained in the ordinary
18 course of the purchaser's business to determine the rate
19 applicable to the location where the order was received.

20 (5) The location where the order is received by or on
21 behalf of the seller means the physical location of a seller or
22 third party such as an established outlet, office location or
23 automated order receipt system operated by or on behalf of the
24 seller where an order is initially received by or on behalf of
25 the seller and not where the order may be subsequently accepted,
26 completed or fulfilled. An order is received when all of the
27 information from the purchaser necessary to the determination of
28 whether the order can be accepted has been received by or on

1 behalf of the seller. The location from which a product is
2 shipped shall not be used in determining the location where the
3 order is received by the seller.

4 (6) When taxable services are sold with tangible personal
5 property or digital products pursuant to a single contract or in
6 the same transaction, are billed on the same billing statement or
7 statements, and, because of the application of this section,
8 would be sourced to different jurisdictions, this subsection
9 shall apply to determine the source for tax.

10 2. Except as provided in section 144.041, when the location
11 where the order is received by the seller and the location where
12 the receipt of the product by the purchaser (or the purchaser's
13 donee, designated as such by the purchaser) occurs are in
14 different states, the retail sale, excluding lease or rental, of
15 a product shall be sourced as follows:

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

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

25 (3) When subdivisions (1) and (2) of this subsection do not
26 apply, the sale shall be sourced to the location indicated by an
27 address for the purchaser that is available from the business
28 records of the seller that are maintained in the ordinary course

1 of the seller's business when use of this address does not
2 constitute bad faith;

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

9 (5) When the previous rules of subdivisions (1), (2), (3),
10 and (4) of this subsection do not apply, including the
11 circumstances in which the seller is without sufficient
12 information to apply the previous rules, then the location will
13 be determined by the address from which tangible personal
14 property was shipped, from which the digital good or computer
15 software delivered electronically was first available for
16 transmission from the seller, or from which the service was
17 provided (disregarding for these purposes any location that
18 merely provided the digital transfer of the product sold).

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

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

27 (1) For a lease or rental that requires recurring periodic
28 payments, the first periodic payment is sourced the same as a

1 retail sale in accordance with the provisions of subsection 1 of
2 this section. Periodic payments made subsequent to the first
3 payment are sourced to the primary property location for each
4 period covered by the payment. The primary property location
5 shall be as indicated by an address for the property provided by
6 the lessee that is available to the lessor from its records
7 maintained in the ordinary course of business, when use of this
8 address does not constitute bad faith. The property location
9 shall not be altered by intermittent use at different locations,
10 such as use of business property that accompanies employees on
11 business trips and service calls;

12 (2) For a lease or rental that does not require recurring
13 periodic payments, the payment is sourced the same as a retail
14 sale in accordance with the provisions of subsection 1 of this
15 section;

16 (3) This subsection does not affect the imposition or
17 computation of sales or use tax on leases or rentals based on a
18 lump sum or accelerated basis, or on the acquisition of property
19 for lease.

20 5. The lease or rental of motor vehicles, trailers, semi-
21 trailers, or aircraft that do not qualify as transportation
22 equipment, as defined in section 144.010, shall be sourced as
23 follows:

24 (1) For a lease or rental that requires recurring periodic
25 payments, each periodic payment is sourced to the primary
26 property location. The primary property location shall be as
27 indicated by an address for the property provided by the lessee
28 that is available to the lessor from its records maintained in

1 the ordinary course of business, when use of such address does
2 not constitute bad faith. Such location shall not be altered by
3 intermittent use at different locations;

4 (2) For a lease or rental that does not require recurring
5 periodic payments, the payment is sourced the same as a retail
6 sale in accordance with the provisions of subsection 1 of this
7 section;

8 (3) This subsection does not affect the imposition or
9 computation of sales or use tax on leases or rentals based on a
10 lump sum or accelerated basis, or on the acquisition of property
11 for lease.

12 6. The retail sale, including lease or rental, of
13 transportation equipment shall be sourced the same as a retail
14 sale in accordance with the provisions of subsection 1 of this
15 section, notwithstanding the exclusion of lease or rental in
16 subsection 1 of this section.

17 144.041. 1. The retail sale of a product shall be sourced
18 in accordance with section 144.040. The provisions of section
19 144.040 shall apply regardless of the characterization of a
20 product as tangible personal property, a digital good, or a
21 service. The provisions of section 144.040 shall apply only to
22 determine a seller's obligation to pay or collect and remit sales
23 or use tax with respect to the seller's retail sale of a product.
24 The provisions of this subsection shall not affect the obligation
25 of a purchaser or lessee to remit tax on the use of the product
26 to the taxing jurisdictions of that use.

27 2. Section 144.040 shall not apply to sales or use taxes
28 levied on the following:

1 (1) Retail sales or transfers of watercraft, modular homes,
2 manufactured homes, or mobile homes; and

3 (2) Telecommunications services and ancillary services.

4 144.042. 1. (1) A purchaser of advertising and
5 promotional direct mail may provide the seller with either:

6 (a) A direct pay permit;

7 (b) An agreement certificate of exemption claiming direct
8 mail (or other written statement approved, authorized or accepted
9 by the state); or

10 (c) Information showing the jurisdictions to which the
11 advertising and promotional direct mail is to be delivered to
12 recipients.

13 (2) If the purchaser provides the permit, certificate or
14 statement referred to in paragraph (a) or (b) of subdivision (1)
15 of subsection 1 of this section, the seller, in the absence of
16 bad faith, is relieved of all obligations to collect, pay, or
17 remit any tax on any transaction involving advertising and
18 promotional direct mail to which the permit, certificate or
19 statement applies. The purchaser shall source the sale to the
20 jurisdictions to which the advertising and promotional direct
21 mail is to be delivered to the recipients and shall report and
22 pay any applicable tax due.

23 (3) If the purchaser provides the seller information
24 showing the jurisdictions to which the advertising and
25 promotional direct mail is to be delivered to recipients, the
26 seller shall source the sale to the jurisdictions to which the
27 advertising and promotional direct mail is to be delivered and
28 shall collect and remit the applicable tax. In the absence of

1 bad faith, the seller is relieved of any further obligation to
2 collect any additional tax on the sale of advertising and
3 promotional direct mail if the seller has sourced the sale
4 according to the delivery information provided by the purchaser.

5 (4) If the purchaser does not provide the seller with any
6 of the items listed in paragraph (a), (b) or (c) of subdivision
7 (1) of subsection 1 of this section, the sale shall be sourced
8 according to subdivision (5) of subsection 2 of section 144.040.
9 The state to which the advertising and promotional direct mail is
10 delivered may disallow credit for tax paid on sales sourced under
11 this subdivision.

12 (5) Notwithstanding section 144.040, this subsection shall
13 apply to sales of advertising and promotional direct mail.

14 2. (1) Except as otherwise provided in this subsection,
15 sales of other direct mail are sourced in accordance with
16 subdivision (3) of subsection 2 of section 144.040.

17 (2) A purchaser of other direct mail may provide the seller
18 with either:

19 (a) A direct pay permit; or

20 (b) An agreement certificate of exemption claiming direct
21 mail (or other written statement approved, authorized or accepted
22 by the state).

23 (3) If the purchaser provides the permit, certificate or
24 statement referred to in paragraph (a) or (b) of subdivision (2)
25 of this subsection, the seller, in the absence of bad faith, is
26 relieved of all obligations to collect, pay or remit any tax on
27 any transaction involving other direct mail to which the permit,
28 certificate or statement applies. Notwithstanding subdivision

1 (1) of this subsection, the sale shall be sourced to the
2 jurisdictions to which the other direct mail is to be delivered
3 to the recipients and the purchaser shall report and pay
4 applicable tax due.

5 (4) Notwithstanding section 144.040, this subsection shall
6 apply to sales of other direct mail.

7 3. (1) (a) This section applies to a transaction
8 characterized under state law as the sale of services only if the
9 service is an integral part of the production and distribution of
10 printed material that meets the definition of direct mail.

11 (b) This section does not apply to any transaction that
12 includes the development of billing information or the provision
13 of any data processing service that is more than incidental
14 regardless of whether advertising and promotional direct mail is
15 included in the same mailing.

16 (2) If a transaction is a bundled transaction that includes
17 advertising and promotion direct mail, this section applies only
18 if the primary purpose of the transaction is the sale of products
19 or services that meet the definition of advertising and
20 promotional direct mail.

21 (3) Nothing in this section shall limit any purchaser's:

22 (a) Obligation for sales or use tax to any state to which
23 the direct mail is delivered;

24 (b) Right under local, state, federal or constitutional
25 law, to a credit for sales or use taxes legally due and paid to
26 other jurisdictions; or

27 (c) Right to a refund of sales or use taxes overpaid to any
28 jurisdiction.

1 (4) This section applies for purposes of uniformly sourcing
2 direct mail transactions and does not impose requirements on
3 states regarding the taxation of products that meet the
4 definition of direct mail or to the application of sales for
5 resale or other exemptions.

6 144.043. 1. [As used in this section, the following terms
7 mean:

8 (1) "Light aircraft", a light airplane that seats no more
9 than four persons, with a gross weight of three thousand pounds
10 or less, which is primarily used for recreational flying or
11 flight training;

12 (2) "Light aircraft kit", factory manufactured parts and
13 components, including engine, propeller, instruments, wheels,
14 brakes, and air frame parts which make up a complete aircraft kit
15 or partial kit designed to be assembled into a light aircraft and
16 then operated by a qualified purchaser for recreational and
17 educational purposes;

18 (3) "Parts and components", manufactured light aircraft
19 parts, including air frame and engine parts, that are required by
20 the qualified purchaser to complete a light aircraft kit, or
21 spare or replacement parts for an already completed light
22 aircraft;

23 (4) "Qualified purchaser", a purchaser of a light aircraft,
24 light aircraft kit, parts or components who is nonresident of
25 this state, who will transport the light aircraft, light aircraft
26 kit, parts or components outside this state within ten days after
27 the date of purchase, and who will register any light aircraft so
28 purchased in another state or country. Such purchaser shall not

1 base such aircraft in this state and such purchaser shall not be
2 a resident of the state unless such purchaser has paid sales or
3 use tax on such aircraft in another state.

4 2. In addition to the exemptions granted under the
5 provisions of section 144.030, there shall also be specifically
6 exempted from the provisions of sections 144.010 to 144.525,
7 sections 144.600 to 144.748, section 238.235, and from the
8 provisions of any local sales tax law, as defined in section
9 32.085, and from the computation of the tax levied, assessed or
10 payable under sections 144.010 to 144.525, sections 144.600 to
11 144.748, section 238.235, and under any local sales tax law, as
12 defined in section 32.085, all sales of new light aircraft, light
13 aircraft kits, parts or components manufactured or substantially
14 completed within this state, when such new light aircraft, light
15 aircraft kits, parts or components are sold by the manufacturer
16 to a qualified purchaser. The director of revenue shall
17 prescribe the manner for a purchaser of a light aircraft, light
18 aircraft kit, parts or components to establish that such person
19 is a qualified purchaser and is eligible for the exemption
20 established in this section.] Except for the defined

21 telecommunication services in subsection 3 of this section, the
22 sale of telecommunication service sold on a call-by-call basis
23 shall be sourced to:

24 (1) Each level of taxing jurisdiction where the call
25 originates and terminates in that jurisdiction; or

26 (2) Each level of taxing jurisdiction where the call either
27 originates or terminates and in which the service address is also
28 located.

1 2. Except for the defined telecommunication services in
2 subsection 3 of this section, a sale of telecommunications
3 services sold on a basis other than a call-by-call basis, is
4 sourced to the customer's place of primary use.

5 3. The sale of the following telecommunication services
6 shall be sourced to each level of taxing jurisdiction as follows:

7 (1) A sale of mobile telecommunications services other than
8 air-to-ground radiotelephone service and prepaid calling service,
9 is sourced to the customer's place of primary use as required by
10 the Mobile Telecommunications Sourcing Act;

11 (2) A sale of post-paid calling service is sourced to the
12 origination point of the telecommunications signal as first
13 identified by either:

14 (a) The seller's telecommunications system; or

15 (b) Information received by the seller from its service
16 provider, where the system used to transport such signals is not
17 that of the seller;

18 (3) A sale of prepaid calling service or a sale of a
19 prepaid wireless calling service is sourced in accordance with
20 section 144.040, provided however, in the case of a sale of
21 prepaid wireless calling service, the rule provided in
22 subdivision (5) of subsection 2 of section 144.040 shall include
23 as an option the location associated with the mobile telephone
24 number;

25 (4) A sale of a private communication service is sourced as
26 follows:

27 (a) Service for a separate charge related to a customer
28 channel termination point is sourced to each level of

1 jurisdiction in which such customer channel termination point is
2 located;

3 (b) Service where all customer termination points are
4 located entirely within one jurisdiction or levels of
5 jurisdiction is sourced in such jurisdiction in which the
6 customer channel termination points are located;

7 (c) Service for segments of a channel between two customer
8 channel termination points located in different jurisdictions and
9 which segments of channels are separately charged is sourced
10 fifty percent in each level of jurisdiction in which the customer
11 channel termination points are located; and

12 (d) Service for segments of a channel located in more than
13 one jurisdiction or levels of jurisdiction and which segments are
14 not separately billed is sourced in each jurisdiction based on
15 the percentage determined by dividing the number of customer
16 channel termination points in such jurisdiction by the total
17 number of customer channel termination points.

18 4. The sale of internet access service is sourced to the
19 customer's place of primary use.

20 5. The sale of an ancillary service is sourced to the
21 customer's place of primary use.

22 144.049. 1. [For purposes of this section, the following
23 terms mean:

24 (1) "Clothing", any article of wearing apparel, including
25 footwear, intended to be worn on or about the human body. The
26 term shall include but not be limited to cloth and other material
27 used to make school uniforms or other school clothing. Items
28 normally sold in pairs shall not be separated to qualify for the

1 exemption. The term shall not include watches, watchbands,
2 jewelry, handbags, handkerchiefs, umbrellas, scarves, ties,
3 headbands, or belt buckles; and

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

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

23 2.] In each year beginning on or after January 1, 2005,
24 there is hereby specifically exempted from state sales tax law
25 all retail sales of any article of clothing having a taxable
26 value of one hundred dollars or less[,]; all retail sales of
27 school supplies, school art supplies, and school instructional
28 materials not to exceed fifty dollars per purchase[,]; all

1 prewritten computer software with a taxable value of three
2 hundred fifty dollars or less[,]; and all retail sales of
3 [personal] computers [or computer peripheral devices] and school
4 computer-supplies not to exceed three thousand five hundred
5 dollars, during a three-day period beginning at 12:01 a.m. on the
6 first Friday in August and ending at midnight on the Sunday
7 following.

8 [3. If the governing body of any political subdivision
9 adopted an ordinance that applied to the 2004 sales tax holiday
10 to prohibit the provisions of this section from allowing the
11 sales tax holiday to apply to such political subdivision's local
12 sales tax, then, notwithstanding any provision of a local
13 ordinance to the contrary, the 2005 sales tax holiday shall not
14 apply to such political subdivision's local sales tax. However,
15 any such political subdivision may enact an ordinance to allow
16 the 2005 sales tax holiday to apply to its local sales taxes. A
17 political subdivision must notify the department of revenue not
18 less than forty-five calendar days prior to the beginning date of
19 the sales tax holiday occurring in that year of any ordinance or
20 order rescinding an ordinance or order to opt out.

21 4.] 2. This section shall not apply to any sales which
22 take place within the Missouri state fairgrounds.

23 [5.] 3. This section applies to sales of items bought for
24 personal use only.

25 [6. After the 2005 sales tax holiday, any political
26 subdivision may, by adopting an ordinance or order, choose to
27 prohibit future annual sales tax holidays from applying to its
28 local sales tax. After opting out, the political subdivision may

1 rescind the ordinance or order. The political subdivision must
2 notify the department of revenue not less than forty-five
3 calendar days prior to the beginning date of the sales tax
4 holiday occurring in that year of any ordinance or order
5 rescinding an ordinance or order to opt out.

6 7.] 4. This section may not apply to any retailer when
7 less than two percent of the retailer's merchandise offered for
8 sale qualifies for the sales tax holiday. The retailer shall
9 offer a sales tax refund in lieu of the sales tax holiday.

10 144.054. 1. As used in this section, the following terms
11 mean:

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

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

21 2. In addition to all other exemptions granted under this
22 chapter, there is hereby specifically exempted from the
23 provisions of sections 144.010 to 144.525 and 144.600 to 144.761,
24 section 238.235, and the local sales tax law as described in
25 section 32.085, and from the computation of the tax levied,
26 assessed, or payable under sections 144.010 to 144.525 and
27 144.600 to 144.761, section 238.235, and the local sales tax law
28 as described in section 32.085, electrical energy and gas,

1 whether natural, artificial, or propane, water, coal, and energy
2 sources, chemicals, machinery, equipment, and materials used or
3 consumed in the manufacturing, processing, compounding, mining,
4 or producing of any product, or used or consumed in the
5 processing of recovered materials, or used in research and
6 development related to manufacturing, processing, compounding,
7 mining, or producing any product. The exemptions granted in this
8 subsection shall not apply to local sales or use taxes as defined
9 in section 32.085 and levied on electricity, piped natural or
10 artificial gas, or other fuels delivered by the seller, and the
11 provisions of this subsection shall be in addition to any state
12 and local sales tax exemption provided in section 144.030.

13 3. In addition to all other exemptions granted under this
14 chapter, there is hereby specifically exempted from the
15 provisions of sections 144.010 to 144.525 and 144.600 to 144.761,
16 and section 238.235, and the local sales tax law as defined in
17 section 32.085, and from the computation of the tax levied,
18 assessed, or payable under sections 144.010 to 144.525 and
19 144.600 to 144.761, and section 238.235, and the local sales tax
20 law as defined in section 32.085, all utilities, machinery, and
21 equipment used or consumed directly in television or radio
22 broadcasting and all sales and purchases of tangible personal
23 property, utilities, services, or any other transaction that
24 would otherwise be subject to the state or local sales or use tax
25 when such sales are made to or purchases are made by a contractor
26 for use in fulfillment of any obligation under a defense contract
27 with the United States government, and all sales and leases of
28 tangible personal property by any county, city, incorporated

1 town, or village, provided such sale or lease is authorized under
2 chapter 100, and such transaction is certified for sales tax
3 exemption by the department of economic development, and tangible
4 personal property used for railroad infrastructure brought into
5 this state for processing, fabrication, or other modification for
6 use outside the state in the regular course of business.

7 4. In addition to all other exemptions granted under this
8 chapter, there is hereby specifically exempted from the
9 provisions of sections 144.010 to 144.525 and 144.600 to 144.761,
10 and section 238.235, and the local sales tax law as defined in
11 section 32.085, and from the computation of the tax levied,
12 assessed, or payable under sections 144.010 to 144.525 and
13 144.600 to 144.761, and section 238.235, and the local sales tax
14 law as defined in section 32.085, all sales and purchases of
15 tangible personal property, utilities, services, or any other
16 transaction that would otherwise be subject to the state or local
17 sales or use tax when such sales are made to or purchases are
18 made by a private partner for use in completing a project under
19 sections 227.600 to 227.669.

20 144.070. 1. At the time the owner of any new or used motor
21 vehicle, trailer, boat, or outboard motor which was acquired in a
22 transaction subject to sales tax under the Missouri sales tax law
23 makes application to the director of revenue for an official
24 certificate of title and the registration of the motor vehicle,
25 trailer, boat, or outboard motor as otherwise provided by law,
26 the owner shall present to the director of revenue evidence
27 satisfactory to the director of revenue showing the purchase
28 price exclusive of any charge incident to the extension of credit

1 paid by or charged to the applicant in the acquisition of the
2 motor vehicle, trailer, boat, or outboard motor, or that no sales
3 tax was incurred in its acquisition, and if sales tax was
4 incurred in its acquisition, the applicant shall pay or cause to
5 be paid to the director of revenue the sales tax provided by the
6 Missouri sales tax law in addition to the registration fees now
7 or hereafter required according to law, and the director of
8 revenue shall not issue a certificate of title for any new or
9 used motor vehicle, trailer, boat, or outboard motor subject to
10 sales tax as provided in the Missouri sales tax law until the tax
11 levied for the sale of the same under sections 144.010 to 144.510
12 has been paid as provided in this section or is registered under
13 the provisions of subsection ~~[5]~~ 4 of this section.

14 2. [As used in subsection 1 of this section, the term
15 "purchase price" shall mean the total amount of the contract
16 price agreed upon between the seller and the applicant in the
17 acquisition of the motor vehicle, trailer, boat, or outboard
18 motor, regardless of the medium of payment therefor.

19 3.] In the event that the purchase price is unknown or
20 undisclosed, or that the evidence thereof is not satisfactory to
21 the director of revenue, the same shall be fixed by appraisalment
22 by the director.

23 [4.] 3. The director of the department of revenue shall
24 endorse upon the official certificate of title issued by the
25 director upon such application an entry showing that such sales
26 tax has been paid or that the motor vehicle, trailer, boat, or
27 outboard motor represented by such certificate is exempt from
28 sales tax and state the ground for such exemption.

1 [5.] 4. Any person, company, or corporation engaged in the
2 business of renting or leasing motor vehicles, trailers, boats,
3 or outboard motors, which are to be used exclusively for rental
4 or lease purposes, and not for resale, may apply to the director
5 of revenue for authority to operate as a leasing company. Any
6 company approved by the director of revenue may pay the tax due
7 on any motor vehicle, trailer, boat, or outboard motor as
8 required in section 144.020 at the time of registration thereof
9 or in lieu thereof may pay a sales tax as provided in sections
10 144.010, 144.020, 144.070 and 144.440. A sales tax shall be
11 charged to and paid by a leasing company which does not exercise
12 the option of paying in accordance with section 144.020, on the
13 amount charged for each rental or lease agreement while the motor
14 vehicle, trailer, boat, or outboard motor is domiciled in this
15 state. Any motor vehicle, trailer, boat, or outboard motor which
16 is leased as the result of a contract executed in this state
17 shall be presumed to be domiciled in this state.

18 [6.] 5. Any corporation may have one or more of its
19 divisions separately apply to the director of revenue for
20 authorization to operate as a leasing company, provided that the
21 corporation:

22 (1) Has filed a written consent with the director
23 authorizing any of its divisions to apply for such authority;

24 (2) Is authorized to do business in Missouri;

25 (3) Has agreed to treat any sale of a motor vehicle,
26 trailer, boat, or outboard motor from one of its divisions to
27 another of its divisions as a sale at retail;

28 (4) Has registered under the fictitious name provisions of

1 sections 417.200 to 417.230 each of its divisions doing business
2 in Missouri as a leasing company; and

3 (5) Operates each of its divisions on a basis separate from
4 each of its other divisions. However, when the transfer of a
5 motor vehicle, trailer, boat or outboard motor occurs within a
6 corporation which holds a license to operate as a motor vehicle
7 or boat dealer pursuant to sections 301.550 to 301.573 the
8 provisions in subdivision (3) of this subsection shall not apply.

9 [7.] 6. If the owner of any motor vehicle, trailer, boat,
10 or outboard motor desires to charge and collect sales tax as
11 provided in this section, the owner shall make application to the
12 director of revenue for a permit to operate as a motor vehicle,
13 trailer, boat, or outboard motor leasing company. The director of
14 revenue shall promulgate rules and regulations determining the
15 qualifications of such a company, and the method of collection
16 and reporting of sales tax charged and collected. Such
17 regulations shall apply only to owners of motor vehicles,
18 trailers, boats, or outboard motors, electing to qualify as motor
19 vehicle, trailer, boat, or outboard motor leasing companies under
20 the provisions of subsection [5] 4 of this section, and no motor
21 vehicle renting or leasing, trailer renting or leasing, or boat
22 or outboard motor renting or leasing company can come under
23 sections 144.010, 144.020, 144.070 and 144.440 unless all motor
24 vehicles, trailers, boats, and outboard motors held for renting
25 and leasing are included.

26 [8.] 7. Beginning July 1, 2010, any motor vehicle dealer
27 licensed under section 301.560 engaged in the business of selling
28 motor vehicles or trailers may apply to the director of revenue

1 for authority to collect and remit the sales tax required under
2 this section on all motor vehicles sold by the motor vehicle
3 dealer. A motor vehicle dealer receiving authority to collect and
4 remit the tax is subject to all provisions under sections 144.010
5 to 144.525. Any motor vehicle dealer authorized to collect and
6 remit sales taxes on motor vehicles under this subsection shall
7 be entitled to deduct and retain an amount equal to two percent
8 of the motor vehicle sales tax pursuant to section 144.140. Any
9 amount of the tax collected under this subsection that is
10 retained by a motor vehicle dealer pursuant to section 144.140
11 shall not constitute state revenue. In no event shall revenues
12 from the general revenue fund or any other state fund be utilized
13 to compensate motor vehicle dealers for their role in collecting
14 and remitting sales taxes on motor vehicles. In the event this
15 subsection or any portion thereof is held to violate article IV,
16 section 30(b) of the Missouri Constitution, no motor vehicle
17 dealer shall be authorized to collect and remit sales taxes on
18 motor vehicles under this section. No motor vehicle dealer shall
19 seek compensation from the state of Missouri or its agencies if a
20 court of competent jurisdiction declares that the retention of
21 two percent of the motor vehicle sales tax is unconstitutional
22 and orders the return of such revenues.

23 144.080. 1. Every person receiving any payment or
24 consideration upon the sale of property or rendering of service,
25 subject to the tax imposed by the provisions of sections 144.010
26 to 144.525, is exercising the taxable privilege of selling the
27 property or rendering the service at retail and is subject to the
28 tax levied in section 144.020. The person shall be responsible

1 not only for the collection of the amount of the tax imposed on
2 the sale or service to the extent possible under the provisions
3 of section 144.285, but shall, on or before the last day of the
4 month following each calendar quarterly period of three months,
5 file a return with the director of revenue showing the person's
6 gross receipts and the amount of tax levied in section 144.020
7 for the preceding quarter, and shall remit to the director of
8 revenue, with the return, the taxes levied in section 144.020,
9 except as provided in subsections 2 and 3 of this section. The
10 director of revenue may promulgate rules or regulations changing
11 the filing and payment requirements of sellers, but shall not
12 require any seller to file and pay more frequently than required
13 in this section.

14 2. [Where the aggregate amount levied and imposed upon a
15 seller by section 144.020 is in excess of two hundred and fifty
16 dollars for either the first or second month of a calendar
17 quarter, the seller shall file a return and pay such aggregate
18 amount for such months to the director of revenue by the
19 twentieth day of the succeeding month.

20 3.] Where the aggregate amount levied and imposed upon a
21 seller by section 144.020 is less than forty-five dollars in a
22 calendar quarter, the director of revenue shall by regulation
23 permit the seller to file a return for a calendar year. The
24 return shall be filed and the taxes paid on or before January
25 thirty-first of the succeeding year.

26 [4.] 3. The seller of any property or person rendering any
27 service, subject to the tax imposed by sections 144.010 to
28 144.525, shall collect the tax from the purchaser of such

1 property or the recipient of the service to the extent possible
2 under the provisions of section 144.285, but the seller's
3 inability to collect any part or all of the tax does not relieve
4 the seller of the obligation to pay to the state the tax imposed
5 by section 144.020; except that the collection of the tax imposed
6 by sections 144.010 to 144.525 on motor vehicles and trailers
7 shall be made as provided in sections 144.070 and 144.440.

8 [5.] 4. It shall be unlawful for any person to advertise
9 or hold out or state to the public or to any customer directly or
10 indirectly that the tax or any part thereof imposed by sections
11 144.010 to 144.525, and required to be collected by the person,
12 will be assumed or absorbed by the person, or that it will not be
13 separately stated and added to the selling price of the property
14 sold or service rendered, or if added, that it or any part
15 thereof will be refunded. Any person violating any of the
16 provisions of this section shall be guilty of a misdemeanor.

17 144.082. 1. The director shall participate in an online
18 registration system that will allow sellers to register in this
19 state and other member states.

20 2. By registering, the seller agrees to collect and remit
21 sales and use taxes for all taxable sales into this state as well
22 as the other member states, including member states joining after
23 the seller's registration. Withdrawal or revocation of this
24 state from the agreement shall not relieve a seller of its
25 responsibility to remit taxes previously or subsequently
26 collected on behalf of this state.

27 3. If the seller has a requirement to register prior to
28 registering under the agreement, such seller shall obtain a

1 retail sales license under section 144.083 and register under
2 section 144.650.

3 4. Registration with the central registration system and
4 the collection of sales and use taxes in this state shall not be
5 used as a factor in determining whether the seller has nexus with
6 this state for any tax at any time.

7 144.083. 1. The director of revenue shall require all
8 persons who are responsible for the collection of taxes under the
9 provisions of section 144.080 to procure a retail sales license
10 at no cost to the licensee which shall be prominently displayed
11 at the licensee's place of business, and the license is valid
12 until revoked by the director or surrendered by the person to
13 whom issued when sales are discontinued. The director shall
14 issue the retail sales license within ten working days following
15 the receipt of a properly completed application. Any person
16 applying for a retail sales license or reinstatement of a revoked
17 sales tax license who owes any tax under sections 144.010 to
18 144.510 or sections 143.191 to 143.261 must pay the amount due
19 plus interest and penalties before the department may issue the
20 applicant a license or reinstate the revoked license. All
21 persons beginning business subsequent to August 13, 1986, and who
22 are required to collect the sales tax shall secure a retail sales
23 license prior to making sales at retail. Such license may, after
24 ten days' notice, be revoked by the director of revenue only in
25 the event the licensee shall be in default for a period of sixty
26 days in the payment of any taxes levied under section 144.020 or
27 sections 143.191 to 143.261. Notwithstanding the provisions of
28 section 32.057 in the event of revocation, the director of

1 revenue may publish the status of the business account including
2 the date of revocation in a manner as determined by the director.

3 2. The possession of a retail sales license and a statement
4 from the department of revenue that the licensee owes no tax due
5 under sections 144.010 to 144.510 or sections 143.191 to 143.261
6 shall be a prerequisite to the issuance or renewal of any city or
7 county occupation license or any state license which is required
8 for conducting any business where goods are sold at retail. The
9 date of issuance on the statement that the licensee owes no tax
10 due shall be no more than ninety days before the date of
11 submission for application or renewal of the local license. The
12 revocation of a retailer's license by the director shall render
13 the occupational license or the state license null and void.

14 3. No person responsible for the collection of taxes under
15 section 144.080 shall make sales at retail unless such person is
16 the holder of a valid retail sales license. After all appeals
17 have been exhausted, the director of revenue may notify the
18 county or city law enforcement agency representing the area in
19 which the former licensee's business is located that the retail
20 sales license of such person has been revoked, and that any
21 county or city occupation license of such person is also revoked.
22 The county or city may enforce the provisions of this section,
23 and may prohibit further sales at retail by such person.

24 4. In addition to the provisions of subsection 2 of this
25 section, beginning January 1, 2009, the possession of a statement
26 from the department of revenue stating no tax is due under
27 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall
28 also be a prerequisite to the issuance or renewal of any city or

1 county occupation license or any state license required for
2 conducting any business where goods are sold at retail. The
3 statement of no tax due shall be dated no longer than ninety days
4 before the date of submission for application or renewal of the
5 city or county license.

6 [5. Notwithstanding any law or rule to the contrary, sales
7 tax shall only apply to the sale price paid by the final
8 purchaser and not to any off-invoice discounts or other pricing
9 discounts or mechanisms negotiated between manufacturers,
10 wholesalers, and retailers.]

11 144.084. 1. The director shall promulgate rules and
12 regulations for remittance of returns. Such rules shall:

13 (1) Allow for electronic payments by all remitters by both
14 ACH credit and ACH debit;

15 (2) Provide an alternative method for making "same day"
16 payments if an electronic funds transfer fails;

17 (3) Provide that if a due date falls on a legal banking
18 holiday in the state, the taxes shall be due on the next
19 succeeding business day; and

20 (4) Require that any data that accompanies a remittance be
21 formatted using uniform tax type and payment type codes approved
22 by the streamlined sales and use tax governing board.

23 2. All model 1, model 2, and model 3 sellers shall file
24 returns electronically. Any model 1, model 2, or model 3 seller
25 shall submit its sales and use tax returns in a simplified format
26 approved by the director at such times as may be prescribed by
27 the director.

28 144.100. 1. Every person making any taxable sales of

1 property or service, except transactions provided for in sections
2 144.070 and 144.440, individually or by duly authorized officer
3 or agent, shall make and file a written return with the director
4 of revenue in such manner as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by
6 the director of the department of revenue and shall be filed at
7 the times provided in sections 144.080 and 144.090. The returns
8 shall [show the amount of gross receipts from sales of taxable
9 property and services by the person and the amount of tax due
10 thereon by that person during and for the period covered by the
11 return] state:

12 (1) The name and address of the retailer;

13 (2) The total amount of gross sales of all tangible
14 personal property and taxable services rendered by the retailer
15 during the period for which the return is made;

16 (3) The total amount received during the period for which
17 the return is made on charge and time sales of tangible personal
18 property made and taxable services rendered prior to the period
19 for which the return is made;

20 (4) Deductions allowed by law from such total amount of
21 gross sales and from total amount received during the period for
22 which the return is made on such charge and time sales;

23 (5) Receipts during the period for which the return is made
24 from the total amount of sales of tangible personal property and
25 taxable services rendered during such period in the course of
26 such business, after deductions allowed by law have been made;

27 (6) Receipts during the period for which the return is made
28 from charge and time sales of tangible personal property made and

1 taxable services rendered prior to such period in the course of
2 such business, after deductions allowed by law have been made;

3 (7) Gross receipts during the period for which the return
4 is made from sales of tangible personal property and taxable
5 services rendered in the course of such business upon the basis
6 of which the tax is imposed; and

7 (8) Such other pertinent information as the director may
8 require.

9 3. In making such return, the retailer shall determine the
10 market value of any consideration, other than money, received in
11 connection with the sale of any tangible personal property in the
12 course of the business and shall include such value in the
13 return. Such value shall be subject to review and revision by
14 the director as hereinafter provided. Refunds made by a retailer
15 during the period for which the return is made on account of
16 tangible personal property returned to the retailer shall be
17 allowed as a deduction under subdivision (4) of subsection 2 of
18 this section in case the retailer has included the receipts from
19 such sale in a return made by such retailer and paid taxes on
20 such sale. The retailer shall, at the time of making such
21 return, pay to the director the amount of tax owed, except as
22 otherwise provided in this section. The director may extend the
23 time for making returns and paying the tax required by this
24 section for any period not to exceed sixty days under such rules
25 and regulations as the director of revenue may prescribe.

26 4. The director shall only require a single tax return for
27 each taxing period and such return shall include only the taxing
28 jurisdictions in which the seller makes sales within the state.

1 With each return, the person shall remit to the director of
2 revenue the full amount of the tax due.

3 [3.] 5. In case of charge and time sales the gross
4 receipts thereof shall be included as sales in the returns as and
5 when payments are received by the person, without any deduction
6 therefrom whatsoever.

7 [4.] 6. If an error or omission is discovered in a return
8 or a change be necessary to show the true facts, the error may be
9 corrected, the omission supplied, or the change made in the
10 return next filed with the director for the filing period
11 immediately following the filing period in which the error was
12 made or the omission occurred, as prescribed by law, except that
13 no refund under this chapter shall be allowed for any amount of
14 tax paid by a seller which is based upon charges incident to
15 credit card discounts. Any other omission or error must be
16 corrected by filing an amended return for the erroneously
17 reported period if the amount of tax is less than that originally
18 reported, or an additional return if the amount of tax is greater
19 than that originally reported. An additional return shall be
20 deemed filed on the date the envelope in which it is mailed is
21 postmarked or the date it is received by the director, whichever
22 is earlier. Any payment of tax, interest, penalty or additions
23 to tax shall be deemed filed on the date the envelope containing
24 the payment is postmarked or the date the payment is received by
25 the director, whichever is earlier. If a refund or credit
26 results from the filing of an amended return, no refund or credit
27 shall be allowed unless an application for refund or credit is
28 properly completed and submitted to the director pursuant to

1 section 144.190.

2 [5.] 7. The amount of gross receipts from sales and the
3 amount of tax due returned by the person, as well as all matters
4 contained in the return, is subject to review and revision in the
5 manner herein provided for the correction of the returns.

6 144.105. 1. A seller shall be allowed a deduction from
7 taxable sales for bad debts attributable to taxable sales of such
8 seller that have become uncollectable. Any deduction taken that
9 is attributed to bad debts shall not include interest.

10 2. The amount of the bad debt deduction shall be calculated
11 pursuant to 26 U.S.C. Section 166(b), as amended, except that
12 such amount shall be adjusted to exclude financing charges or
13 interest, sales, or use taxes charged on the purchase price,
14 uncollectable amounts on property that remain in the possession
15 of the seller until the full purchase price is paid, and expenses
16 incurred in attempting to collect any debt or repossessed
17 property.

18 3. Bad debts may be deducted on the return for the period
19 during which the bad debt is written off as uncollectable in the
20 seller's books and records and is eligible to be deducted for
21 federal income tax purposes. For purposes of this subsection, a
22 seller who is not required to file federal income tax returns may
23 deduct bad debt on a return filed for the period in which the bad
24 debt is written off as uncollectable in the seller's books and
25 records and would be eligible for a bad debt deduction for
26 federal income tax purposes if the seller was required to file a
27 federal income tax return.

28 4. If a deduction is taken for a bad debt and the debt is

1 subsequently collected in whole or in part, the tax on the amount
2 so collected shall be paid and reported on the return filed for
3 the period in which the collection is made.

4 5. When the amount of bad debt exceeds the amount of
5 taxable sales for the period during which the bad debt is written
6 off, a refund claim may be filed by the seller within the
7 applicable statute of limitations for refund claim; however, the
8 statute of limitations shall be measured from the due date of the
9 return on which the bad debt could first be claimed.

10 6. Where filing responsibilities have been assumed by a
11 certified service provider, such service provider may claim, on
12 behalf of the seller, any bad debt allowance provided by this
13 section. The certified service provider shall credit or refund
14 the full amount of any bad debt allowance or refund received to
15 the seller.

16 7. For the purposes of reporting a payment received on a
17 previously claimed bad debt, any payments made on a debt or
18 account shall first be applied proportionally to the taxable
19 price of the property or service and the sales tax thereon, and
20 secondly to interest, service charges, and any other charges.

21 8. In situations where the books and records of the seller,
22 or certified service provider on behalf of the seller, claiming
23 the bad debt allowance support an allocation of the bad debts
24 among the member states, such an allocation shall be permitted.

25 144.110. 1. The state shall review software submitted to
26 the streamlined sales and use tax governing board for
27 certification as a certified automated system (CAS) under Section
28 501 of the streamlined sales and use tax agreement. Such review

1 shall include a determination whether the program adequately
2 classifies the state's product-based exemptions. Upon completion
3 of the review, the state shall certify to the governing board its
4 acceptance of the classifications made by the system. The state
5 shall relieve a certified service provider (CSP) or model 2
6 seller from liability to this state and its local jurisdictions
7 for failure to collect sales or use taxes resulting from the CSP
8 or model 2 seller's reliance on the certification provided by the
9 state.

10 2. The streamlined sales and use tax governing board and
11 this state shall not be responsible for classification of an item
12 or transaction with the product-based exemptions. The relief
13 from liability provided in this section shall not be available
14 for a CSP or model 2 seller that has incorrectly classified an
15 item or transaction into a product-based exemption certified by
16 this state. This subsection shall apply to the individual
17 listing of items or transactions within a product definition
18 approved by the governing board or the state.

19 3. If the state determines that an item or transaction is
20 incorrectly classified as to its taxability, it shall notify the
21 CSP or model 2 seller of the incorrect classification. The CSP
22 or model 2 seller shall have ten days to revise the
23 classification after receipt of notice from the state of the
24 determination. Upon expiration of the ten days, such CSP or
25 model 2 seller shall be liable for failure to collect the correct
26 amount of sales or use taxes due and owing to the state.

27 144.123. 1. The director shall provide and maintain a
28 database that describes boundary changes for all taxing

1 jurisdictions and the effective dates of such changes for sales
2 and use tax purposes.

3 2. The director shall provide and maintain a database of
4 all sales and use tax rates for all taxing jurisdictions. For
5 the identification of counties and cities, codes corresponding to
6 the rates shall be provided according to Federal Information
7 Processing Standards (FIPS) as developed by the National
8 Institute of Standards and Technology. For the identification of
9 all other jurisdictions, codes corresponding to the rates shall
10 be in a format determined by the director.

11 3. The director shall provide and maintain a database that
12 assigns each five- and nine-digit zip code to the proper rates
13 and taxing jurisdictions. The lowest combined tax rate imposed
14 in the zip code area shall apply if the area includes more than
15 one tax rate in any level of taxing jurisdiction. If a nine-
16 digit zip code designation is not available for a street address,
17 or if a seller or a certified service provider (CSP) is unable to
18 determine the nine-digit zip code designation applicable to a
19 purchase after exercising due diligence to determine the
20 designation, the seller or CSP may apply the rate for the five-
21 digit zip code area. For purposes of this section, there shall
22 be a rebuttable presumption that a seller or CSP has exercised
23 due diligence if the seller has attempted to determine the nine-
24 digit zip code designation by utilizing software approved by the
25 secretary that makes this designation from the street address and
26 the five-digit zip code applicable to a purchase.

27 4. The director may provide address-based boundary database
28 records for assigning taxing jurisdictions and associated rates

1 which shall be in addition to the requirements of subsection 3 of
2 this section. The database records shall be in the same approved
3 format as the database records required under subsection 3 of
4 this section and shall meet the requirements developed pursuant
5 to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.
6 Section 119(a), as amended. If the director develops address-
7 based assignment database records pursuant to the agreement,
8 sellers that register under the agreement shall be required to
9 use such database. A seller or CSP shall use such database
10 records in place of the five- and nine-digit zip code database
11 records provided for in subsection 3 of this section. If a
12 seller or CSP is unable to determine the applicable rate and
13 jurisdiction using an address-based database record after
14 exercising due diligence, the seller or CSP may apply the nine-
15 digit zip code designation applicable to a purchase. If a nine-
16 digit zip code designation is not available for a street address
17 or if a seller or CSP is unable to determine the nine-digit zip
18 code designation applicable to a purchase after exercising due
19 diligence to determine the designation, the seller or CSP may
20 apply the rate for the five-digit zip code area. For the
21 purposes of this section, there shall be a rebuttable presumption
22 that a seller or CSP has exercised due diligence if the seller or
23 CSP has attempted to determine the tax rate and jurisdiction by
24 utilizing software approved by the director and makes the
25 assignment from the address and zip code information applicable
26 to the purchase. If the director has met the requirements of
27 subsection 3 of this section, the director may also elect to
28 certify vendor provided address-based databases for assigning tax

1 rates and jurisdictions. The databases shall be in the same
2 approved format as the database records under this section and
3 meet the requirements developed pursuant to the federal Mobile
4 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as
5 amended. If the director certifies a vendor address-based
6 database, a seller or CSP may use such database in place of the
7 database provided for in this subsection.

8 5. The electronic databases provided for in subsections 1,
9 2, 3, and 4 of this section shall be in a downloadable format as
10 determined by the director. The databases may be directly
11 provided by the director or provided by a vendor as designated by
12 the director. A database provided by a vendor as designated by
13 the director shall be applicable and subject to the provisions of
14 section 144.1031 and this section. The databases shall be
15 provided at no cost to the user of the database. The provisions
16 of subsections 3 and 4 of this section shall not apply when the
17 purchased product is received by the purchaser at the business
18 location of the seller.

19 6. No seller or CSP shall be liable for reliance upon
20 erroneous data provided by the director on tax rates, boundaries,
21 or taxing jurisdiction assignments.

22 144.124. 1. The director shall complete a taxability
23 matrix. The state's entries in the matrix shall be provided and
24 maintained by the director in a database that is in a
25 downloadable format.

26 2. The director shall provide reasonable notice of changes
27 in the taxability of the products or services listed in the
28 taxability matrix.

1 3. A seller or certified service provider (CSP) shall be
2 relieved from liability to this state or any local taxing
3 jurisdiction for having charged and collected the incorrect
4 amount of state or local sales or use tax resulting from such
5 seller's or CSP's reliance upon erroneous data provided by the
6 director in the taxability matrix.

7 144.125. 1. (1) Amnesty shall be granted for uncollected
8 or unpaid sales or use tax to a seller who registers to pay or to
9 collect and remit applicable sales or use tax on sales made to
10 purchasers in this state in accordance with the terms of the
11 agreement, provided that the seller was not so registered in this
12 state in the twelve-month period preceding the effective date of
13 this state's participation in the agreement.

14 (2) Amnesty shall preclude assessment for uncollected or
15 unpaid sales or use tax together with penalty or interest for
16 sales made during the period the seller was not registered in
17 this state, provided registration occurs within twelve months of
18 the effective date of this state's participation in the
19 agreement.

20 (3) Amnesty shall be provided if this state joins the
21 agreement after the seller has registered.

22 2. Amnesty shall not be available to a seller with respect
23 to any matter or matters for which the seller received notice of
24 the commencement of an audit and which audit is not yet finally
25 resolved including any related administrative and judicial
26 processes. The amnesty shall not be available for sales or use
27 taxes already paid or remitted to this state or to taxes
28 collected by the seller.

1 3. Amnesty provided under this section shall be fully
2 effective, absent the seller's fraud or intentional
3 misrepresentation of a material fact, as long as the seller
4 continues registration and payment or collection and remittance
5 of applicable sales or use taxes for a period of at least thirty-
6 six months. The statute of limitations applicable to asserting a
7 tax liability during this thirty-six month period shall be
8 tolled.

9 4. Amnesty provided under this section shall be applicable
10 only to sales or use taxes due from a seller in its capacity as a
11 seller and not to sales or use taxes due from a seller in its
12 capacity as a purchaser.

13 5. The provisions of this section shall become effective as
14 of the date that the state joins and becomes a member state of
15 the agreement.

16 144.140. 1. From every remittance to the director of
17 revenue made on or before the date when the same becomes due, the
18 person required to remit the same shall be entitled to deduct and
19 retain an amount equal to two percent thereof.

20 2. If the director of the department of revenue enters into
21 the streamlined sales and use tax agreement under section 32.070,
22 the director shall provide a monetary allowance from the taxes
23 collected to each of the following:

24 (1) A certified service provider, in accordance with the
25 agreement and under the terms of the contract signed with the
26 provider, provided that such allowance shall not exceed two
27 percent of the amount collected;

28 (2) Any vendor registered under the agreement that selects

1 a certified automated system to perform part of its sales or use
2 tax functions;

3 (3) Any vendor registered under the agreement that uses a
4 proprietary system to calculate taxes due and has entered into a
5 performance agreement with states that are members of the
6 streamlined sales and use tax agreement.

7 3. The monetary allowance provided for vendors in
8 subdivision (2) or (3) of subsection 2 of this section shall be
9 in an amount equal to two percent of the taxes collected.

10 4. Any vendor receiving an allowance under subsection 2 of
11 this section shall not be entitled simultaneously to deduct the
12 allowance provided for in subsection 1 of this section.

13 144.210. 1. The burden of proving that a sale of tangible
14 personal property, services, substances or things was not a sale
15 at retail shall be upon the person who made the sale, except that
16 with respect to sales, services, or transactions provided for in
17 section 144.070. [The seller shall obtain and maintain exemption
18 certificates signed by the purchaser or his agent as evidence for
19 any exempt sales claimed; provided, however, that before any
20 administrative tribunal of this state, a seller may prove that
21 sale is exempt from tax under this chapter in accordance with
22 proof admissible under the applicable rules of evidence; except
23 that when a purchaser has purchased tangible personal property or
24 services sales tax free under a claim of exemption which is found
25 to be improper, the director of revenue may collect the proper
26 amount of tax, interest, additions to tax and penalty from the
27 purchaser directly. Any tax, interest, additions to tax or
28 penalty collected by the director from the purchaser shall be

1 credited against the amount otherwise due from the seller on the
2 purchases or sales where the exemption was claimed.]

3 2. If the director of revenue is not satisfied with the
4 return and payment of the tax made by any person, he is hereby
5 authorized and empowered to make an additional assessment of tax
6 due from such person, based upon the facts contained in the
7 return or upon any information within his possession or that
8 shall come into his possession.

9 3. The director of revenue shall give to the person written
10 notice of such additional or revised assessment by certified or
11 registered mail to the person at his or its last known address.

12 144.212. 1. In addition to all other provisions of law
13 provided for exemptions, when an exemption is claimed by a
14 purchaser:

15 (1) The seller shall obtain identifying information of the
16 purchaser and the reason for claiming a tax exemption at the time
17 of the purchase;

18 (2) A purchaser shall not be required to provide a
19 signature to claim an exemption from tax unless a paper exemption
20 certificate is used;

21 (3) The seller shall use the standard form for claiming an
22 exemption electronically prescribed by the director of the
23 department of revenue and acceptable to the streamlined sales and
24 use tax governing board;

25 (4) The seller shall obtain the same information for proof
26 of a claimed exemption regardless of the medium in which the
27 transaction occurred;

28 (5) The seller shall maintain proper records of exempt

1 transactions and provide such records to the director of the
2 department of revenue or the director's designee upon request;

3 (6) In the case of drop shipment sales, a third-party
4 vendor, such as a drop shipper, may claim a resale exemption
5 based on an exemption certificate provided by its customer or any
6 other acceptable information available to the third-party vendor
7 evidencing qualification for a resale exemption, regardless of
8 whether the customer is registered to collect and remit sales and
9 use tax in the state where the sale is sourced.

10 2. (1) Sellers that comply with the requirements of this
11 section shall be relieved from collecting and remitting tax
12 otherwise applicable if it is determined that the purchaser
13 improperly claimed an exemption and such purchaser shall be
14 liable for the nonpayment of tax. Relief from liability provided
15 under this section shall not apply to a seller who fraudulently
16 fails to collect tax; to a seller who solicits purchasers to
17 participate in the unlawful claim of an exemption; to a seller
18 who accepts an exemption certificate when the purchaser claims an
19 entity-based exemption when the subject of the transaction sought
20 to be covered by the exemption certificate is actually received
21 by the purchaser at a location operated by the seller and the
22 state in which that location resides provides an exemption
23 certificate that clearly and affirmatively indicates that the
24 claimed exemption is not available in such state; or to a seller
25 who accepts an exemption certificate claiming multiple points of
26 use for tangible personal property other than computer software
27 for which an exemption claiming multiple points of use not
28 available in such state.

1 (2) A seller shall be relieved from collecting and
2 remitting tax otherwise applicable if the seller obtains a fully
3 completed exemption certificate or captures the relevant data
4 elements required under the agreement within ninety days
5 subsequent to the date of sale.

6 (3) If a seller fails to obtain an exemption certificate or
7 all relevant data elements as provided in this section, the
8 seller may, within one hundred twenty days subsequent to a
9 request for substantiation by the director of the department of
10 revenue or the director's designee, either prove that the
11 transaction was not subject to tax by other means or obtain a
12 fully completed exemption certificate from the purchaser, taken
13 in good faith.

14 3. Nothing in this section shall affect the ability of the
15 director of the department of revenue or the director's designee
16 to require purchasers to update exemption certificate information
17 or to reapply with the state to claim certain exemptions.

18 4. Notwithstanding the provisions of subsection 2 of this
19 section to the contrary, the director shall relieve a seller of
20 the tax otherwise applicable if the seller obtains a blanket
21 exemption certificate for a purchaser with which the seller has a
22 recurring business relationship. The director shall not request
23 from the seller renewal of blanket certificates or updates of
24 exemption certificate information or data elements when there is
25 a recurring business relationship between the buyer and seller.
26 For purposes of this section, a recurring business relationship
27 exists when a period of no more than twelve months elapses
28 between sales transactions.

1 144.285. 1. [In order to permit sellers required to
2 collect and report the sales tax to collect the amount required
3 to be reported and remitted, but not to change the requirements
4 of reporting or remitting tax or to serve as a levy of the tax,
5 and in order to avoid fractions of pennies, the director of
6 revenue shall establish brackets, showing the amounts of tax to
7 be collected on sales of specified amounts, which shall be
8 applicable to all taxable transactions] When the seller is
9 computing the amount of tax owed by the purchaser and remitted to
10 the state:

11 (1) Tax computation shall be carried to the third decimal
12 place; and

13 (2) The tax shall be rounded to a whole cent using a method
14 that rounds up to the next cent whenever the third decimal place
15 is greater than four.

16 2. [In all instances where statements covering taxable
17 purchases are rendered to the taxpayer on a monthly or other
18 periodic basis, the amount of tax shall be determined by applying
19 the applicable tax rate to the taxable purchases represented on
20 the statement, rounded to the nearest whole cent, or by
21 application of the brackets established by the director of
22 revenue, at the option of the retail vendor] Sellers may elect to
23 compute the tax due on a transaction on an item or an invoice
24 basis. The provision of this subsection may be applied to the
25 aggregated state and local taxes.

26 3. No vendor or seller shall knowingly charge or receive
27 from a purchaser as a sales tax any sum in excess of the sums
28 provided for in this section.

1 4. [A vendor may, at his option, determine the amount
2 charged to and received from each purchaser by use of a formula
3 which applies the applicable tax rate to each taxable purchase,
4 rounded to the nearest whole cent. The formula shall be
5 uniformly and consistently applied to all purchases similarly
6 situated.

7 5.] Amounts which a vendor charges to and receives from the
8 purchaser in accordance with this section shall not be includable
9 in his gross receipts if the amounts are separately charged or
10 stated.

11 [6.] 5. If sales tax for one or more local political
12 subdivisions is owed by a taxpayer pursuant to chapter 66, 67,
13 92, or 94 and that taxpayer remits less than all sales tax due
14 for a filing period specified in section 144.080, the director of
15 revenue shall deposit the tax remitted proportionately to each
16 taxing jurisdiction in accordance with the percentage that each
17 such jurisdiction's share of the tax due for the filing period
18 bears to the total tax due from such taxpayer for such period.
19 The unpaid balance due along with penalties and interest shall be
20 similarly prorated among the state and all local jurisdictions
21 for which tax was due during the filing period for which an
22 underpayment occurs. The provisions of this subsection shall
23 apply to all returns or remittances relating to sales made on or
24 after January 1, 1984.

25 144.522. Any ruling, agreement, or contract, whether
26 written or oral, express or implied, between a person and this
27 state's executive branch or any other state agency or department
28 stating, agreeing, or ruling that such person is not required to

1 collect sales and use tax in this state despite the presence of a
2 warehouse, distribution center, or fulfillment center in this
3 state that is owned or operated by the person or an affiliated
4 person shall be null and void unless it is specifically approved
5 by a majority vote of each of the houses of the general assembly.
6 For purposes of this subsection, an "affiliated person" means any
7 person that is a member of the same "controlled group of
8 corporations" as defined in Section 1563(a) of the Internal
9 Revenue Code as the vendor or any other entity that,
10 notwithstanding its form of organization, bears the same
11 ownership relationship to the vendor as a corporation that is a
12 member of the same "controlled group of corporations" as defined
13 in Section 1563(a) of the Internal Revenue Code.

14 144.526. 1. This section shall be known and may be cited
15 as the "Show Me Green Sales Tax Holiday".

16 2. [For purposes of this section, the following terms mean:

17 (1) "Appliance", clothes washers and dryers, water heaters,
18 trash compactors, dishwashers, conventional ovens, ranges,
19 stoves, air conditioners, furnaces, refrigerators and freezers;
20 and

21 (2) "Energy star certified", any appliance approved by both
22 the United States Environmental Protection Agency and the United
23 States Department of Energy as eligible to display the energy
24 star label, as amended from time to time.

25 3.] In each year beginning on or after January 1, 2009,
26 there is hereby specifically exempted from state sales tax law
27 all retail sales of any [energy star certified] new appliance
28 that is an energy star qualified product, up to one thousand five

1 hundred dollars per appliance, during a seven-day period
2 beginning at 12:01 a.m. on April nineteenth and ending at
3 midnight on April twenty-fifth.

4 [4. A political subdivision may allow the sales tax holiday
5 under this section to apply to its local sales taxes by enacting
6 an ordinance to that effect. Any such political subdivision
7 shall notify the department of revenue not less than forty-five
8 calendar days prior to the beginning date of the sales tax
9 holiday occurring in that year of any such ordinance or order.

10 5. This section may not apply to any retailer when less
11 than two percent of the retailer's merchandise offered for sale
12 qualifies for the sales tax holiday. The retailer shall offer a
13 sales tax refund in lieu of the sales tax holiday.]

14 144.605. 1. The following words and phrases as used in
15 sections 144.600 to 144.745 mean and include:

16 (1) "Calendar quarter", the period of three consecutive
17 calendar months ending on March thirty-first, June thirtieth,
18 September thirtieth or December thirty-first;

19 (2) "Engages in business activities within this state"
20 includes:

21 (a) [Purposefully or systematically exploiting the market
22 provided by this state by any media-assisted, media-facilitated,
23 or media-solicited means, including, but not limited to, direct
24 mail advertising, distribution of catalogs, computer-assisted
25 shopping, telephone, television, radio, or other electronic
26 media, or magazine or newspaper advertisements, or other media;
27 or

28 (b) Being owned or controlled by the same interests which

1 own or control any seller engaged in the same or similar line of
2 business in this state; or

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

7 [(d)] (b) Soliciting sales or taking orders by sales
8 agents or traveling representatives;

9 (c) A vendor is presumed to "engage in business activities
10 within this state" if any person, other than a common carrier
11 acting in its capacity as such, that has substantial nexus with
12 this state:

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

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

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

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

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

1 (d) The presumption in paragraph (c) may be rebutted by
2 demonstrating that the person's activities in the state are not
3 significantly associated with the vendor's ability to establish
4 or maintain a market in this state for the vendor's sales;

5 (e) Notwithstanding paragraph (c), a vendor shall be
6 presumed to engage in business activities within this state if
7 the vendor enters into an agreement with one or more residents of
8 this state under which the resident, for a commission or other
9 consideration, directly or indirectly refers potential customers,
10 whether by a link on an internet website, an in-person oral
11 presentation, telemarketing, or otherwise, to the vendor, if the
12 cumulative gross receipts from sales by the vendor to customers
13 in the state who are referred to the vendor by all residents with
14 this type of an agreement with the vendor are in excess of ten
15 thousand dollars during the preceding twelve months;

16 (f) The presumption in paragraph (e) may be rebutted by
17 submitting proof that the residents with whom the vendor has an
18 agreement did not engage in any activity within the state that
19 was significantly associated with the vendor's ability to
20 establish or maintain the vendor's market in the state during the
21 preceding twelve months. Such proof may consist of sworn written
22 statements from all of the residents with whom the vendor has an
23 agreement stating that they did not engage in any solicitation in
24 the state on behalf of the vendor during the preceding year
25 provided that such statements were provided and obtained in good
26 faith;

27 (3) "Maintains a place of business in this state" includes
28 maintaining, occupying, or using, permanently or temporarily,

1 directly or indirectly, [or through a subsidiary, or agent,] by
2 whatever name called, an office, place of distribution, sales or
3 sample room or place, warehouse or storage place, or other place
4 of business in this state, whether owned or operated by the
5 vendor or by any other person other than a common carrier acting
6 in its capacity as such;

7 (4) "Person", any individual, firm, copartnership, joint
8 venture, association, corporation, municipal or private, and
9 whether organized for profit or not, state, county, political
10 subdivision, state department, commission, board, bureau or
11 agency, except the state transportation department, estate,
12 trust, business trust, receiver or trustee appointed by the state
13 or federal court, syndicate, or any other group or combination
14 acting as a unit, and the plural as well as the singular number;

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

19 (6) "Purchaser", any person who is the recipient for a
20 valuable consideration of any sale of tangible personal property
21 acquired for use, storage or consumption in this state;

22 (7) "Sale", any transfer, barter or exchange of the title
23 or ownership of tangible personal property, or the right to use,
24 store or consume the same, for a consideration paid or to be
25 paid, and any transaction whether called leases, rentals,
26 bailments, loans, conditional sales or otherwise, and
27 notwithstanding that the title or possession of the property or
28 both is retained for security. For the purpose of this law the

1 place of delivery of the property to the purchaser, user, storer
2 or consumer is deemed to be the place of sale, whether the
3 delivery be by the vendor or by common carriers, private
4 contractors, mails, express, agents, salesmen, solicitors,
5 hawkers, representatives, consignors, peddlers, canvassers or
6 otherwise;

7 (8) "Sales price", the consideration including the charges
8 for services, except charges incident to the extension of credit,
9 paid or given, or contracted to be paid or given, by the
10 purchaser to the vendor for the tangible personal property,
11 including any services that are a part of the sale, valued in
12 money, whether paid in money or otherwise, and any amount for
13 which credit is given to the purchaser by the vendor, without any
14 deduction therefrom on account of the cost of the property sold,
15 the cost of materials used, labor or service cost, losses or any
16 other expenses whatsoever, except that cash discounts allowed and
17 taken on sales shall not be included and "sales price" shall not
18 include the amount charged for property returned by customers
19 upon rescission of the contract of sales when the entire amount
20 charged therefor is refunded either in cash or credit or the
21 amount charged for labor or services rendered in installing or
22 applying the property sold, the use, storage or consumption of
23 which is taxable pursuant to sections 144.600 to 144.745. In
24 determining the amount of tax due pursuant to sections 144.600 to
25 144.745, any charge incident to the extension of credit shall be
26 specifically exempted;

27 (9) "Selling agent", every person acting as a
28 representative of a principal, when such principal is not

1 registered with the director of revenue of the state of Missouri
2 for the collection of the taxes imposed pursuant to sections
3 144.010 to 144.525 or sections 144.600 to 144.745 and who
4 receives compensation by reason of the sale of tangible personal
5 property of the principal, if such property is to be stored,
6 used, or consumed in this state;

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

11 (11) "Tangible personal property", all items subject to the
12 Missouri sales tax as provided in subdivisions (1) and (3) of
13 section 144.020;

14 (12) "Taxpayer", any person remitting the tax or who should
15 remit the tax levied by sections 144.600 to 144.745;

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

22 (14) "Vendor", every person engaged in making sales of
23 tangible personal property by mail order, by advertising, by
24 agent or peddling tangible personal property, soliciting or
25 taking orders for sales of tangible personal property, for
26 storage, use or consumption in this state, all salesmen,
27 solicitors, hawkers, representatives, consignees, peddlers or
28 canvassers, as agents of the dealers, distributors, consignors,

1 supervisors, principals or employers under whom they operate or
2 from whom they obtain the tangible personal property sold by
3 them, and every person who maintains a place of business in this
4 state, maintains a stock of goods in this state, or engages in
5 business activities within this state and every person who
6 engages in this state in the business of acting as a selling
7 agent for persons not otherwise vendors as defined in this
8 subdivision. Irrespective of whether they are making sales on
9 their own behalf or on behalf of the dealers, distributors,
10 consignors, supervisors, principals or employers, they must be
11 regarded as vendors and the dealers, distributors, consignors,
12 supervisors, principals or employers must be regarded as vendors
13 for the purposes of sections 144.600 to 144.745. [A person shall
14 not be considered a vendor for the purposes of sections 144.600
15 to 144.745 if all of the following apply:

16 (a) The person's total gross receipts did not exceed five
17 hundred thousand dollars in this state, or twelve and one-half
18 million dollars in the entire United States, in the immediately
19 preceding calendar year;

20 (b) The person maintains no place of business in this
21 state; and

22 (c) The person has no selling agents in this state.]

23 2. This section shall terminate on January 1, 2015.

24 144.655. 1. Every vendor, on or before the last day of the
25 month following each calendar quarterly period of three months,
26 shall file with the director of revenue a return of all taxes
27 collected for the preceding quarter in the form prescribed by the
28 director of revenue, showing the total sales price of the

1 tangible personal property sold by the vendor, the storage, use
2 or consumption of which is subject to the tax levied by this law,
3 and other information the director of revenue deems necessary.
4 The return shall be accompanied by a remittance of the amount of
5 the tax required to be collected by the vendor during the period
6 covered by the return. Returns shall be signed by the vendor or
7 the vendor's authorized agent. The director of revenue may
8 promulgate rules or regulations changing the filing and payment
9 requirements of vendors, but shall not require any vendor to file
10 and pay more frequently than required in this section.

11 2. Where the aggregate amount of tax required to be
12 collected by a vendor is in excess of two hundred and fifty
13 dollars for either the first or second month of a calendar
14 quarter, the vendor shall pay such aggregate amount for such
15 months to the director of revenue by the twentieth day of the
16 succeeding month. The amount so paid shall be allowed as a
17 credit against the liability shown on the vendor's quarterly
18 return required by this section.

19 3. Where the aggregate amount of tax required to be
20 collected by a vendor is less than forty-five dollars in a
21 calendar quarter, the director of revenue shall by regulation
22 permit the vendor to file a return for a calendar year. The
23 return shall be filed and the taxes paid on or before January
24 thirty-first of the succeeding year.

25 4. Except as provided in subsection 5 of this section,
26 every person purchasing tangible personal property, the storage,
27 use or consumption of which is subject to the tax levied by
28 sections 144.600 to 144.748, who has not paid the tax due to a

1 vendor registered in accordance with the provisions of section
2 144.650, shall file with the director of revenue a return for the
3 preceding reporting period in the form and manner that the
4 director of revenue prescribes, showing the total sales price of
5 the tangible property purchased during the preceding reporting
6 period and any other information that the director of revenue
7 deems necessary for the proper administration of sections 144.600
8 to 144.748. The return shall be accompanied by a remittance of
9 the amount of the tax required by sections 144.600 to 144.748 to
10 be paid by the person. Returns shall be signed by the person
11 liable for the tax or such person's duly authorized agent. For
12 purposes of this subsection, the reporting period shall be
13 determined by the director of revenue and may be a calendar
14 quarter or a calendar year. Annual returns and payments required
15 by the director pursuant to this subsection shall be due on or
16 before April fifteenth of the year for the preceding calendar
17 year and quarterly returns and payments shall be due on or before
18 the last day of the month following each calendar period of three
19 months. Upon the taxpayer's request, the director may allow the
20 filing of such returns and payments on a monthly basis. If a
21 taxpayer elects to file a monthly return and payment, such return
22 and payment shall be due on or before the twentieth day of the
23 succeeding month.

24 5. Any person purchasing tangible personal property subject
25 to the taxes imposed by sections 144.600 to 144.748 shall not be
26 required to file a use tax return with the director of revenue if
27 such purchases on which such taxes were not paid do not exceed in
28 the aggregate two thousand dollars in any calendar year.

1 6. Nothing in subsection 5 of this section shall relieve a
2 vendor of liability to collect the tax imposed pursuant to
3 sections 144.600 to 144.748 on the total gross receipts of all
4 sales of tangible personal property used, stored or consumed in
5 this state and to remit all taxes collected to the director of
6 revenue in accordance with the provisions of this section nor
7 shall it relieve a purchaser from paying such taxes to a vendor
8 registered in accordance with the provisions of section 144.650.

9 7. Any out-of-state seller which is not legally required to
10 register for use tax in this state but chooses to collect and
11 remit use tax under sections 144.600 to 144.761 shall file a
12 return for the calendar year. The return shall be filed and the
13 taxes paid on or before January thirty-first of the succeeding
14 year. In the event that any out-of-state seller which is not
15 legally required to register for use tax in this state but
16 chooses to collect and remit use tax under sections 144.600 to
17 144.761 has accumulated state and local use tax funds in an
18 amount equal to one thousand dollars or more, such vendor shall
19 file a return and remit the amount due for the month in which the
20 accumulated state and local use tax funds equal or exceed one
21 thousand dollars.

22 144.710. [From every remittance made by a vendor as
23 required by sections 144.600 to 144.745 to the director of
24 revenue on or before the date when the remittance becomes due,
25 the vendor may deduct and retain an amount equal to two percent
26 thereof.] Sections 144.210 and 144.212, pertaining to the
27 allowance for timely remittance of payment, are applicable to the
28 tax levied by this law.

1 221.407. 1. The commission of any regional jail district
2 may impose, by order, a sales tax in the amount of one-eighth of
3 one percent, one-fourth of one percent, three-eighths of one
4 percent, or one-half of one percent on all retail sales made in
5 such region which are subject to taxation pursuant to the
6 provisions of sections 144.010 to 144.525 for the purpose of
7 providing jail services and court facilities and equipment for
8 such region. The tax authorized by this section shall be in
9 addition to any and all other sales taxes allowed by law, except
10 that no order imposing a sales tax pursuant to this section shall
11 be effective unless the commission submits to the voters of the
12 district, on any election date authorized in chapter 115, a
13 proposal to authorize the commission to impose a tax.

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

16 Shall the regional jail district of
17 (counties' names) impose a region-wide sales tax of
18 (insert amount) for the purpose of providing
19 jail services and court facilities and equipment for the region?

20 YES NO

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

24 If a majority of the votes cast on the proposal by the qualified
25 voters of the district voting thereon are in favor of the
26 proposal, then the order and any amendment to such order shall be
27 in effect on the first day of the second calendar quarter

28 [immediately following the election approving the proposal] after

1 the director of revenue receives notification of adoption of the
2 local sales tax. If the proposal receives less than the required
3 majority, the commission shall have no power to impose the sales
4 tax authorized pursuant to this section unless and until the
5 commission shall again have submitted another proposal to
6 authorize the commission to impose the sales tax authorized by
7 this section and such proposal is approved by the required
8 majority of the qualified voters of the district voting on such
9 proposal; however, in no event shall a proposal pursuant to this
10 section be submitted to the voters sooner than twelve months from
11 the date of the last submission of a proposal pursuant to this
12 section.

13 3. All revenue received by a district from the tax
14 authorized pursuant to this section shall be deposited in a
15 special trust fund and shall be used solely for providing jail
16 services and court facilities and equipment for such district for
17 so long as the tax shall remain in effect.

18 4. Once the tax authorized by this section is abolished or
19 terminated by any means, all funds remaining in the special trust
20 fund shall be used solely for providing jail services and court
21 facilities and equipment for the district. Any funds in such
22 special trust fund which are not needed for current expenditures
23 may be invested by the commission in accordance with applicable
24 laws relating to the investment of other county funds.

25 5. All sales taxes collected by the director of revenue
26 pursuant to this section on behalf of any district, less one
27 percent for cost of collection which shall be deposited in the
28 state's general revenue fund after payment of premiums for surety

1 bonds as provided in section 32.087, shall be deposited in a
2 special trust fund, which is hereby created, to be known as the
3 "Regional Jail District Sales Tax Trust Fund". The moneys in the
4 regional jail district sales tax trust fund shall not be deemed
5 to be state funds and shall not be commingled with any funds of
6 the state. The director of revenue shall keep accurate records
7 of the amount of money in the trust fund which was collected in
8 each district imposing a sales tax pursuant to this section, and
9 the records shall be open to the inspection of officers of each
10 member county and the public. Not later than the tenth day of
11 each month the director of revenue shall distribute all moneys
12 deposited in the trust fund during the preceding month to the
13 district which levied the tax. Such funds shall be deposited
14 with the treasurer of each such district, and all expenditures of
15 funds arising from the regional jail district sales tax trust
16 fund shall be paid pursuant to an appropriation adopted by the
17 commission and shall be approved by the commission. Expenditures
18 may be made from the fund for any function authorized in the
19 order adopted by the commission submitting the regional jail
20 district tax to the voters.

21 6. The director of revenue may authorize the state
22 treasurer to make refunds from the amounts in the trust fund and
23 credited to any district for erroneous payments and overpayments
24 made, and may redeem dishonored checks and drafts deposited to
25 the credit of such districts. If any district abolishes the tax,
26 the commission shall notify the director of revenue of the action
27 at least ninety days prior to the effective date of the repeal,
28 and the director of revenue may order retention in the trust

1 fund, for a period of one year, of two percent of the amount
2 collected after receipt of such notice to cover possible refunds
3 or overpayment of the tax and to redeem dishonored checks and
4 drafts deposited to the credit of such accounts. After one year
5 has elapsed after the effective date of abolition of the tax in
6 such district, the director of revenue shall remit the balance in
7 the account to the district and close the account of that
8 district. The director of revenue shall notify each district in
9 each instance of any amount refunded or any check redeemed from
10 receipts due the district.

11 7. Except as provided in this section, all provisions of
12 sections 32.085 and 32.087 shall apply to the tax imposed
13 pursuant to this section.

14 8. The provisions of this section shall expire September
15 30, 2015.

16 238.235. 1. (1) Any transportation development district
17 may by resolution impose a transportation development district
18 sales tax on all retail sales made in such transportation
19 development district which are subject to taxation pursuant to
20 the provisions of sections 144.010 to 144.525, except such
21 transportation development district sales tax shall not apply to
22 the sale or use of [motor vehicles, trailers, boats or outboard
23 motors nor to all sales of electricity or electrical current,
24 water and gas, natural or artificial, nor to sales of service to
25 telephone subscribers, either local or long distance] fuels used
26 to power motor vehicles, aircraft, locomotives, or watercraft;
27 electricity, piped natural or artificial gas, or other fuels
28 delivered by the seller; and the retail sales or transfer of

1 motor vehicles, aircraft, watercraft, modular homes, manufactured
2 homes, or mobile homes. Such transportation development district
3 sales tax may be imposed for any transportation development
4 purpose designated by the transportation development district in
5 its ballot of submission to its qualified voters, except that no
6 resolution enacted pursuant to the authority granted by this
7 section shall be effective unless:

8 (a) The board of directors of the transportation
9 development district submits to the qualified voters of the
10 transportation development district a proposal to authorize the
11 board of directors of the transportation development district to
12 impose or increase the levy of an existing tax pursuant to the
13 provisions of this section; or

14 (b) The voters approved the question certified by the
15 petition filed pursuant to subsection 5 of section 238.207.

16 (2) If the transportation district submits to the qualified
17 voters of the transportation development district a proposal to
18 authorize the board of directors of the transportation
19 development district to impose or increase the levy of an
20 existing tax pursuant to the provisions of paragraph (a) of
21 subdivision (1) of this subsection, the ballot of submission
22 shall contain, but need not be limited to, the following
23 language:

24 Shall the transportation development district of
25 (transportation development district's name) impose
26 a transportation development district-wide sales tax at the rate
27 of (insert amount) for a period of (insert
28 number) years from the date on which such tax is first imposed

1 for the purpose of (insert transportation development
2 purpose)?

3 YES NO

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

7 If a majority of the votes cast on the proposal by the qualified
8 voters voting thereon are in favor of the proposal, then the
9 resolution and any amendments thereto shall be in effect. If a
10 majority of the votes cast by the qualified voters voting are
11 opposed to the proposal, then the board of directors of the
12 transportation development district shall have no power to impose
13 the sales tax authorized by this section unless and until the
14 board of directors of the transportation development district
15 shall again have submitted another proposal to authorize it to
16 impose the sales tax pursuant to the provisions of this section
17 and such proposal is approved by a majority of the qualified
18 voters voting thereon.

19 (3) [The sales tax authorized by this section shall become
20 effective on the first day of the second calendar quarter after
21 the department of revenue receives notification of the tax.

22 (4) In each transportation development district in which a
23 sales tax has been imposed in the manner provided by this
24 section, every retailer shall add the tax imposed by the
25 transportation development district pursuant to this section to
26 the retailer's sale price, and when so added such tax shall
27 constitute a part of the price, shall be a debt of the purchaser
28 to the retailer until paid, and shall be recoverable at law in

1 the same manner as the purchase price.

2 (5) In order to permit sellers required to collect and
3 report the sales tax authorized by this section to collect the
4 amount required to be reported and remitted, but not to change
5 the requirements of reporting or remitting tax or to serve as a
6 levy of the tax, and in order to avoid fractions of pennies, the
7 transportation development district may establish appropriate
8 brackets which shall be used in the district imposing a tax
9 pursuant to this section in lieu of those brackets provided in
10 section 144.285.

11 (6) All revenue received by a transportation development
12 district from the tax authorized by this section which has been
13 designated for a certain transportation development purpose shall
14 be deposited in a special trust fund and shall be used solely for
15 such designated purpose. Upon the expiration of the period of
16 years approved by the qualified voters pursuant to subdivision
17 (2) of this subsection or if the tax authorized by this section
18 is repealed pursuant to subsection 6 of this section, all funds
19 remaining in the special trust fund shall continue to be used
20 solely for such designated transportation development purpose.
21 Any funds in such special trust fund which are not needed for
22 current expenditures may be invested by the board of directors in
23 accordance with applicable laws relating to the investment of
24 other transportation development district funds.

25 [(7)] (4) The sales tax may be imposed in increments of
26 one-eighth of one percent, up to a maximum of one percent on the
27 receipts from the sale at retail of all tangible personal
28 property or taxable services at retail within the transportation

1 development district adopting such tax, if such property and
2 services are subject to taxation by the state of Missouri
3 pursuant to the provisions of sections 144.010 to 144.525, except
4 such transportation development district sales tax shall not
5 apply to the sale or use of motor vehicles, trailers, boats or
6 outboard motors nor to public utilities. Any transportation
7 development district sales tax imposed pursuant to this section
8 shall be imposed at a rate that shall be uniform throughout the
9 district.

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

20 3. [On and after the effective date of any tax imposed
21 pursuant to this section, the director of revenue shall perform
22 all functions incident to the administration, collection,
23 enforcement, and operation of the tax, and the director of
24 revenue shall collect, in addition to all other sales taxes
25 imposed by law, the additional tax authorized pursuant to this
26 section. The tax imposed pursuant to this section and the taxes
27 imposed pursuant to all other laws of the state of Missouri shall
28 be collected together and reported upon such forms and pursuant

1 to such administrative rules and regulations as may be prescribed
2 by the director of revenue.

3 4. (1) All applicable provisions contained in sections
4 144.010 to 144.525, governing the state sales tax, sections
5 32.085 and 32.087 and section 32.057, the uniform confidentiality
6 provision, shall apply to the collection of the tax imposed by
7 this section, except as modified in this section.

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

14 (3) The same sales tax permit, exemption certificate and
15 retail certificate required by sections 144.010 to 144.525 for
16 the administration and collection of the state sales tax shall
17 satisfy the requirements of this section, and no additional
18 permit or exemption certificate or retail certificate shall be
19 required; except that the transportation development district may
20 prescribe a form of exemption certificate for an exemption from
21 the tax imposed by this section.

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

27 (5) The penalties provided in section 32.057 and sections
28 144.010 to 144.525 for violation of those sections are hereby

1 made applicable to violations of this section.

2 (6) For the purpose of a sales tax imposed by a resolution
3 pursuant to this section, all retail sales except retail sales of
4 motor vehicles shall be deemed to be consummated at the place of
5 business of the retailer unless the tangible personal property
6 sold is delivered by the retailer or the retailer's agent to an
7 out-of-state destination or to a common carrier for delivery to
8 an out-of-state destination. In the event a retailer has more
9 than one place of business in this state which participates in
10 the sale, the sale shall be deemed to be consummated at the place
11 of business of the retailer where the initial order for the
12 tangible personal property is taken, even though the order must
13 be forwarded elsewhere for acceptance, approval of credit,
14 shipment or billing. A sale by a retailer's employee shall be
15 deemed to be consummated at the place of business from which the
16 employee works.

17 5.] All sales taxes received by the transportation
18 development district shall be deposited by the director of
19 revenue in a special fund to be expended for the purposes
20 authorized in this section. The director of revenue shall keep
21 accurate records of the amount of money which was collected
22 pursuant to this section, and the records shall be open to the
23 inspection of officers of each transportation development
24 district and the general public.

25 [6.] 4. (1) No transportation development district
26 imposing a sales tax pursuant to this section may repeal or amend
27 such sales tax unless such repeal or amendment will not impair
28 the district's ability to repay any liabilities which it has

1 incurred, money which it has borrowed or revenue bonds, notes or
2 other obligations which it has issued or which have been issued
3 by the commission or any local transportation authority to
4 finance any project or projects.

5 (2) Whenever the board of directors of any transportation
6 development district in which a transportation development sales
7 tax has been imposed in the manner provided by this section
8 receives a petition, signed by ten percent of the qualified
9 voters calling for an election to repeal such transportation
10 development sales tax, the board of directors shall, if such
11 repeal will not impair the district's ability to repay any
12 liabilities which it has incurred, money which it has borrowed or
13 revenue bonds, notes or other obligations which it has issued or
14 which have been issued by the commission or any local
15 transportation authority to finance any project or projects,
16 submit to the qualified voters of such transportation development
17 district a proposal to repeal the transportation development
18 sales tax imposed pursuant to the provisions of this section. If
19 a majority of the votes cast on the proposal by the qualified
20 voters voting thereon are in favor of the proposal to repeal the
21 transportation development sales tax, then the resolution
22 imposing the transportation development sales tax, along with any
23 amendments thereto, is repealed. If a majority of the votes cast
24 by the qualified voters voting thereon are opposed to the
25 proposal to repeal the transportation development sales tax, then
26 the ordinance or resolution imposing the transportation
27 development sales tax, along with any amendments thereto, shall
28 remain in effect. [7.] 5. Notwithstanding any provision of

1 sections 99.800 to 99.865 and this section to the contrary, the
2 sales tax imposed by a district whose project is a public mass
3 transportation system shall not be considered economic activity
4 taxes as such term is defined under sections 99.805 and 99.918
5 and shall not be subject to allocation under the provisions of
6 subsection 3 of section 99.845, or subsection 4 of section
7 99.957.

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

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

21 238.410. 1. Any county transit authority established
22 pursuant to section 238.400 may impose a sales tax of up to one
23 percent on all retail sales made in such county which are subject
24 to taxation under the provisions of sections 144.010 to 144.525.
25 The tax authorized by this section shall be in addition to any
26 and all other sales taxes allowed by law, except that no sales
27 tax imposed under the provisions of this section shall be
28 effective unless the governing body of the county, on behalf of

1 the transit authority, submits to the voters of the county, at a
2 county or state general, primary or special election, a proposal
3 to authorize the transit authority to impose a tax.

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

6 Shall the Transit Authority impose a countywide
7 sales tax of (insert amount) in order to provide
8 revenues for the operation of transportation facilities operated
9 by the transit authority?

10 YES NO

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

14 If a majority of the votes cast on the proposal by the qualified
15 voters voting thereon are in favor of the proposal, then the tax
16 shall become effective on the first day of the second calendar
17 quarter following notification to the department of revenue of
18 adoption of the tax. If a majority of the votes cast by the
19 qualified voters voting are opposed to the proposal, then the
20 transit authority shall have no power to impose the sales tax
21 authorized by this section unless and until another proposal to
22 authorize the transit authority to impose the sales tax
23 authorized by this section has been submitted and such proposal
24 is approved by a majority of the qualified voters voting thereon.

25 3. All revenue received by the transit authority from the
26 tax authorized under the provisions of this section shall be
27 deposited in a special trust fund and shall be used solely by the
28 transit authority for construction, purchase, lease, maintenance

1 and operation of transportation facilities located within the
2 county for so long as the tax shall remain in effect. Any funds
3 in such special trust fund which are not needed for current
4 expenditures may be invested by the transit authority in
5 accordance with applicable laws relating to the investment of
6 county funds. 4. No transit authority imposing a sales tax
7 pursuant to this section may repeal or amend such sales tax
8 unless such repeal or amendment is submitted to and approved by
9 the voters of the county in the same manner as provided in
10 subsection 1 of this section for approval of such tax. Whenever
11 the governing body of any county in which a sales tax has been
12 imposed in the manner provided by this section receives a
13 petition, signed by ten percent of the registered voters of such
14 county voting in the last gubernatorial election, calling for an
15 election to repeal such sales tax, the governing body shall
16 submit to the voters of such county a proposal to repeal the
17 sales tax imposed under the provisions of this section. If a
18 majority of the votes cast on the proposal by the registered
19 voters voting thereon are in favor of the proposal to repeal the
20 sales tax, then such sales tax is repealed. If a majority of the
21 votes cast by the registered voters voting thereon are opposed to
22 the proposal to repeal the sales tax, then such sales tax shall
23 remain in effect.

24 5. The sales tax imposed under the provisions of this
25 section shall impose upon all sellers a tax for the privilege of
26 engaging in the business of selling tangible personal property or
27 rendering taxable services at retail to the extent and in the
28 manner provided in sections 144.010 to 144.525 and the rules and

1 regulations of the director of revenue issued pursuant thereto;
2 except that the rate of the tax shall be the rate approved
3 pursuant to this section. The amount reported and returned to
4 the director of revenue by the seller shall be computed on the
5 basis of the combined rate of the tax imposed by sections 144.010
6 to 144.525 and the tax imposed by this section, plus any amounts
7 imposed under other provisions of law.

8 6. After the effective date of any tax imposed under the
9 provisions of this section, the director of revenue shall perform
10 all functions incident to the administration, collection,
11 enforcement, and operation of the tax, and the director of
12 revenue shall collect in addition to the sales tax for the state
13 of Missouri the additional tax authorized under the authority of
14 this section. The tax imposed under this section and the tax
15 imposed under the sales tax law of the state of Missouri shall be
16 collected together and reported upon such forms and under such
17 administrative rules and regulations as may be prescribed by the
18 director of revenue. In order to permit sellers required to
19 collect and report the sales tax to collect the amount required
20 to be reported and remitted, but not to change the requirements
21 of reporting or remitting tax or to serve as a levy of the tax,
22 and in order to avoid fractions of pennies, the applicable
23 provisions of section 144.285 shall apply to all taxable
24 transactions.

25 7. All applicable provisions contained in sections 144.010
26 to 144.525 governing the state sales tax and section 32.057, the
27 uniform confidentiality provision, shall apply to the collection
28 of the tax imposed by this section, except as modified in this

1 section. All exemptions granted to agencies of government,
2 organizations, persons and to the sale of certain articles and
3 items of tangible personal property and taxable services under
4 the provisions of sections 144.010 to 144.525 are hereby made
5 applicable to the imposition and collection of the tax imposed by
6 this section. The same sales tax permit, exemption certificate
7 and retail certificate required by sections 144.010 to 144.525
8 for the administration and collection of the state sales tax
9 shall satisfy the requirements of this section, and no additional
10 permit or exemption certificate or retail certificate shall be
11 required; except that the director of revenue may prescribe a
12 form of exemption certificate for an exemption from the tax
13 imposed by this section. All discounts allowed the retailer
14 under the provisions of the state sales tax law for the
15 collection of and for payment of taxes under chapter 144 are
16 hereby allowed and made applicable to any taxes collected under
17 the provisions of this section. The penalties provided in
18 section 32.057 and sections 144.010 to 144.525 for a violation of
19 those sections are hereby made applicable to violations of this
20 section.

21 8. [For the purposes of a sales tax imposed pursuant to
22 this section, all retail sales shall be deemed to be consummated
23 at the place of business of the retailer, except for tangible
24 personal property sold which is delivered by the retailer or his
25 agent to an out-of-state destination or to a common carrier for
26 delivery to an out-of-state destination and except for the sale
27 of motor vehicles, trailers, boats and outboard motors, which is
28 provided for in subsection 12 of this section. In the event a

1 retailer has more than one place of business in this state which
2 participates in the sale, the sale shall be deemed to be
3 consummated at the place of business of the retailer where the
4 initial order for the tangible personal property is taken, even
5 though the order must be forwarded elsewhere for acceptance,
6 approval of credit, shipment or billing. A sale by a retailer's
7 employee shall be deemed to be consummated at the place of
8 business from which he works.

9 9.] All sales taxes collected by the director of revenue
10 under this section on behalf of any transit authority, less one
11 percent for cost of collection which shall be deposited in the
12 state's general revenue fund after payment of premiums for surety
13 bonds as provided in this section, shall be deposited in the
14 state treasury in a special trust fund, which is hereby created,
15 to be known as the "County Transit Authority Sales Tax Trust
16 Fund". The moneys in the county transit authority sales tax
17 trust fund shall not be deemed to be state funds and shall not be
18 commingled with any funds of the state. The director of revenue
19 shall keep accurate records of the amount of money in the trust
20 fund which was collected in each transit authority imposing a
21 sales tax under this section, and the records shall be open to
22 the inspection of officers of the county and the public. Not
23 later than the tenth day of each month the director of revenue
24 shall distribute all moneys deposited in the trust fund during
25 the preceding month to the transit authority which levied the
26 tax.

27 [10.] 9. The director of revenue may authorize the state
28 treasurer to make refunds from the amounts in the trust fund and

1 credited to any transit authority for erroneous payments and
2 overpayments made, and may authorize the state treasurer to
3 redeem dishonored checks and drafts deposited to the credit of
4 such transit authorities. If any transit authority abolishes the
5 tax, the transit authority shall notify the director of revenue
6 of the action at least ninety days prior to the effective date of
7 the repeal and the director of revenue may order retention in the
8 trust fund, for a period of one year, of two percent of the
9 amount collected after receipt of such notice to cover possible
10 refunds or overpayment of the tax and to redeem dishonored checks
11 and drafts deposited to the credit of such accounts. After one
12 year has elapsed after the effective date of abolition of the tax
13 in such transit authority, the director of revenue shall
14 authorize the state treasurer to remit the balance in the account
15 to the transit authority and close the account of that transit
16 authority. The director of revenue shall notify each transit
17 authority of each instance of any amount refunded or any check
18 redeemed from receipts due the transit authority. The director
19 of revenue shall annually report on his management of the trust
20 fund and administration of the sales taxes authorized by this
21 section. He shall provide each transit authority imposing the
22 tax authorized by this section with a detailed accounting of the
23 source of all funds received by him for the transit authority.

24 [11.] 10. The director of revenue and any of his deputies,
25 assistants and employees who shall have any duties or
26 responsibilities in connection with the collection, deposit,
27 transfer, transmittal, disbursement, safekeeping, accounting, or
28 recording of funds which come into the hands of the director of

1 revenue under the provisions of this section shall enter a surety
2 bond or bonds payable to any and all transit authorities in whose
3 behalf such funds have been collected under this section in the
4 amount of one hundred thousand dollars; but the director of
5 revenue may enter into a blanket bond or bonds covering himself
6 and all such deputies, assistants and employees. The cost of the
7 premium or premiums for the surety bond or bonds shall be paid by
8 the director of revenue from the share of the collection retained
9 by the director of revenue for the benefit of the state.

10 [12.] 11. Sales taxes imposed pursuant to this section and
11 use taxes on the purchase and sale of motor vehicles, trailers,
12 boats, and outboard motors shall not be collected and remitted by
13 the seller, but shall be collected by the director of revenue at
14 the time application is made for a certificate of title, if the
15 address of the applicant is within a county where a sales tax is
16 imposed under this section. The amounts so collected, less the
17 one percent collection cost, shall be deposited in the county
18 transit authority sales tax trust fund. The purchase or sale of
19 motor vehicles, trailers, boats, and outboard motors shall be
20 deemed to be consummated at the address of the applicant. As
21 used in this subsection, the term "boat" shall only include
22 motorboats and vessels as the terms "motorboat" and "vessel" are
23 defined in section 306.010.

24 [13.] 12. In any county where the transit authority sales
25 tax has been imposed, if any person is delinquent in the payment
26 of the amount required to be paid by him under this section or in
27 the event a determination has been made against him for taxes and
28 penalty under this section, the limitation for bringing suit for

1 the collection of the delinquent tax and penalty shall be the
2 same as that provided in sections 144.010 to 144.525. Where the
3 director of revenue has determined that suit must be filed
4 against any person for the collection of delinquent taxes due the
5 state under the state sales tax law, and where such person is
6 also delinquent in payment of taxes under this section, the
7 director of revenue shall notify the transit authority to which
8 delinquent taxes are due under this section by United States
9 registered mail or certified mail at least ten days before
10 turning the case over to the attorney general. The transit
11 authority, acting through its attorney, may join in such suit as
12 a party plaintiff to seek a judgment for the delinquent taxes and
13 penalty due such transit authority. In the event any person
14 fails or refuses to pay the amount of any sales tax due under
15 this section, the director of revenue shall promptly notify the
16 transit authority to which the tax would be due so that
17 appropriate action may be taken by the transit authority.

18 [14.] 13. Where property is seized by the director of
19 revenue under the provisions of any law authorizing seizure of
20 the property of a taxpayer who is delinquent in payment of the
21 tax imposed by the state sales tax law, and where such taxpayer
22 is also delinquent in payment of any tax imposed by this section,
23 the director of revenue shall permit the transit authority to
24 join in any sale of property to pay the delinquent taxes and
25 penalties due the state and to the transit authority under this
26 section. The proceeds from such sale shall first be applied to
27 all sums due the state, and the remainder, if any, shall be
28 applied to all sums due such transit authority under this

1 section.

2 [15. The transit authority created under the provisions of
3 sections 238.400 to 238.412 shall notify any and all affected
4 businesses of the change in tax rate caused by the imposition of
5 the tax authorized by sections 238.400 to 238.412.

6 16.] 14. In the event that any transit authority in any
7 county with a charter form of government and with more than two
8 hundred fifty thousand but fewer than three hundred fifty
9 thousand inhabitants submits a proposal in any election to
10 increase the sales tax under this section, and such proposal is
11 approved by the voters, the county shall be reimbursed for the
12 costs of submitting such proposal from the funds derived from the
13 tax levied under this section.

14 15. Except as provided in sections 238.400 to 238.412, all
15 provisions of sections 32.085 to 32.087 shall apply to the tax
16 imposed under sections 238.410 to 238.412.

17 644.032. 1. The governing body of any municipality or
18 county may impose, by ordinance or order, a sales tax in an
19 amount not to exceed one-half of one percent on all retail sales
20 made in such municipality or county which are subject to taxation
21 under the provisions of sections 144.010 to 144.525. The tax
22 authorized by this section and section 644.033 shall be in
23 addition to any and all other sales taxes allowed by law, except
24 that no ordinance or order imposing a sales tax under the
25 provisions of this section and section 644.033 shall be effective
26 unless the governing body of the municipality or county submits
27 to the voters of the municipality or county, at a municipal,
28 county or state general, primary or special election, a proposal

1 to authorize the governing body of the municipality or county to
2 impose a tax[, provided, that the tax authorized by this section
3 shall not be imposed on the sales of food, as defined in section
4 144.014, when imposed by any county with a charter form of
5 government and with more than one million inhabitants].

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

8 Shall the municipality (county) of impose a
9 sales tax of (insert amount) for the purpose of providing
10 funding for (insert either storm water control,
11 or local parks, or storm water control and local parks) for the
12 municipality (county)?

13 YES NO

14 If a majority of the votes cast on the proposal by the qualified
15 voters voting thereon are in favor of the proposal, then the
16 ordinance or order and any amendments thereto shall be in effect
17 on the first day of the second quarter after the director of
18 revenue receives notice of adoption of the tax. If a majority of
19 the votes cast by the qualified voters voting are opposed to the
20 proposal, then the governing body of the municipality or county
21 shall not impose the sales tax authorized in this section and
22 section 644.033 until the governing body of the municipality or
23 county resubmits another proposal to authorize the governing body
24 of the municipality or county to impose the sales tax authorized
25 by this section and section 644.033 and such proposal is approved
26 by a majority of the qualified voters voting thereon; however, in
27 no event shall a proposal pursuant to this section and section
28 644.033 be submitted to the voters sooner than twelve months from

1 the date of the last proposal pursuant to this section and
2 section 644.033.

3 3. All revenue received by a municipality or county from
4 the tax authorized under the provisions of this section and
5 section 644.033 shall be deposited in a special trust fund and
6 shall be used to provide funding for storm water control or for
7 local parks, or both, within such municipality or county,
8 provided that such revenue may be used for local parks outside
9 such municipality or county if the municipality or county is
10 engaged in a cooperative agreement pursuant to section 70.220.

11 4. Any funds in such special trust fund which are not
12 needed for current expenditures may be invested by the governing
13 body in accordance with applicable laws relating to the
14 investment of other municipal or county funds.

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

18 [66.601. The duties of the director of revenue
19 with respect to the allocation, division and
20 distribution of sales and use tax proceeds determined
21 to be due any county of the first classification having
22 a charter form of government and having a population of
23 nine hundred thousand or more inhabitants and all
24 municipalities within such county, resulting from taxes
25 levied or imposed under the authority of sections
26 66.600 to 66.630, section 144.748, and sections 94.850
27 to 94.857, may be delegated to the county levying the
28 county sales tax under sections 66.600 to 66.630, at
29 the discretion of the director of revenue and with the
30 consent of the county. Notwithstanding the provisions
31 of section 32.057 to the contrary, if such duties are
32 so assigned, the director of revenue shall furnish the
33 county with sufficient information to perform such
34 duties in such form as may be agreed upon by the
35 director and the county at no cost to the county. The
36 county shall be bound by the provisions of section
37 32.057, and shall use any information provided by the

1 director of revenue under the provisions of this
2 section solely for the purpose of allocating, dividing
3 and distributing such sales and use tax revenues. The
4 county shall exercise all of the director's powers and
5 duties with respect to such allocation, division and
6 distribution, and shall receive no fee for carrying out
7 such powers and duties.]
8

9 [67.1713. Beginning January 1, 2002, there is
10 hereby specifically exempted from the tax imposed
11 pursuant to section 67.1712 all sales of food as
12 defined by section 144.014.]
13

14 [67.1971. All entities remitting the sales tax
15 authorized pursuant to section 67.1959 shall have their
16 liability reduced by an amount equal to twenty-five
17 percent of any taxes collected and remitted pursuant to
18 sections 94.802 to 94.805.]
19

20 [144.069. All sales of motor vehicles, trailers,
21 boats and outboard motors shall be deemed to be
22 consummated at the address of the owner thereof, and
23 all leases of over sixty-day duration of motor
24 vehicles, trailers, boats and outboard motors subject
25 to sales taxes under this chapter shall be deemed to be
26 consummated unless the vehicle, trailer, boat or motor
27 has been registered and sales taxes have been paid
28 prior to the consummation of the lease agreement at the
29 address of the lessee thereof on the date the lease is
30 consummated, and all applicable sales taxes levied by
31 any political subdivision shall be collected on such
32 sales by the state department of revenue on that
33 basis.]
34

35 [144.517. In addition to the exemptions granted
36 pursuant to section 144.030, there shall also be
37 exempted from state sales and use taxes all sales of
38 textbooks, as defined by section 170.051, when such
39 textbook is purchased by a student who possesses proof
40 of current enrollment at any Missouri public or private
41 university, college or other postsecondary institution
42 of higher learning offering a course of study leading
43 to a degree in the liberal arts, humanities or sciences
44 or in a professional, vocational or technical field,
45 provided that the books which are exempt from state
46 sales tax are those required or recommended for a
47 class. Upon request the institution or department must
48 provide at least one list of textbooks to the bookstore
49 each semester. Alternately, the student may provide to
50 the bookstore a list from the instructor, department or

1 institution of his or her required or recommended
2 textbooks. This exemption shall not apply to any
3 locally imposed sales or use tax.]

4
5 [144.1000. Sections 144.1000 to 144.1015 shall be
6 known as and referred to as the "Simplified Sales and
7 Use Tax Administration Act".]

8
9 [144.1003. As used in sections 144.1000 to
10 144.1015, the following terms shall mean:

11 (1) "Agreement", the streamlined sales and use
12 tax agreement;

13 (2) "Certified automated system", software
14 certified jointly by the states that are signatories to
15 the agreement to calculate the tax imposed by each
16 jurisdiction on a transaction, determine the amount of
17 tax to remit to the appropriate state and maintain a
18 record of the transaction;

19 (3) "Certified service provider", an agent
20 certified jointly by the states that are signatories to
21 the agreement to perform all of the seller's sales tax
22 functions;

23 (4) "Person", an individual, trust, estate,
24 fiduciary, partnership, limited liability company,
25 limited liability partnership, corporation or any other
26 legal entity;

27 (5) "Sales tax", any sales tax levied pursuant
28 to this chapter, section 32.085, or any other sales tax
29 authorized by statute and levied by this state or its
30 political subdivisions;

31 (6) "Seller", any person making sales, leases or
32 rentals of personal property or services;

33 (7) "State", any state of the United States and
34 the District of Columbia;

35 (8) "Use tax", the use tax levied pursuant to
36 this chapter.]

37
38 [144.1006. For the purposes of reviewing and, if
39 necessary, amending the agreement embodying the
40 simplification recommendations contained in section
41 144.1015, the state may enter into multistate
42 discussions. For purposes of such discussions, the
43 state shall be represented by seven delegates, one of
44 whom shall be appointed by the governor, two members
45 appointed by the speaker of the house of
46 representatives, one member appointed by the minority
47 leader of the house of representatives, two members
48 appointed by the president pro tempore of the senate
49 and one member appointed by the minority leader of the
50 senate. The delegates need not be members of the

1 general assembly and at least one of the delegates
2 appointed by the speaker of the house of
3 representatives and one member appointed by the
4 president pro tempore of the senate shall be from the
5 private sector and represent the interests of Missouri
6 businesses. The delegates shall recommend to the
7 committees responsible for reviewing tax issues in the
8 senate and the house of representatives each year any
9 amendment of state statutes required to be
10 substantially in compliance with the agreement. Such
11 delegates shall make a written report by the fifteenth
12 day of January each year regarding the status of the
13 multistate discussions and upon final adoption of the
14 terms of the sales and use tax agreement by the
15 multistate body.]

16
17 [144.1009. No provision of the agreement
18 authorized by sections 144.1000 to 144.1015 in whole or
19 in part invalidates or amends any provision of the law
20 of this state. Implementation of any condition of this
21 agreement in this state, whether adopted before, at, or
22 after membership of this state in the agreement, must
23 be by action of the general assembly. Such report
24 shall be delivered to the governor, the secretary of
25 state, the president pro tempore of the senate and the
26 speaker of the house of representatives and shall
27 simultaneously be made publicly available by the
28 secretary of state to any person requesting a copy.]

29
30 [144.1012. Unless five of the seven delegates
31 agree, the delegates shall not enter into or vote for
32 any streamlined sales and use tax agreement that:

33 (1) Requires adoption of a definition of any term
34 that would cause any item or transaction that is now
35 excluded or exempted from sales or use tax to become
36 subject to sales or use tax;

37 (2) Requires the state of Missouri to fully
38 exempt or fully apply sales taxes to the sale of food
39 or any other item;

40 (3) Restricts the ability of local governments
41 under statutes in effect on August 28, 2002, to enact
42 one or more local taxes on one or more items without
43 application of the tax to all sales within the taxing
44 jurisdiction, however, restriction of any such taxes
45 allowed by statutes effective after August 28, 2002,
46 may be supported;

47 (4) Provides for adoption of any uniform rate
48 structure that would result in a tax increase for any
49 Missouri taxpayer;

50 (5) Affects the sourcing of sales tax
51 transactions; or

1 (6) Prohibits limitations or thresholds on the
2 application of sales and use tax rates or prohibits any
3 current sales or use tax exemption in the state of
4 Missouri, including exemptions that are based on the
5 value of the transaction or item.]
6

7 [144.1015. In addition to the requirements of
8 section 144.1012, the delegates should consider the
9 following features when deciding whether or not to
10 enter into any streamlined sales and use tax agreement:

11 (1) The agreement should address the limitation
12 of the number of state rates over time;

13 (2) The agreement should establish uniform
14 standards for administration of exempt sales and the
15 form used for filing sales and use tax returns and
16 remittances;

17 (3) The agreement should require the state to
18 provide a central, electronic registration system that
19 allows a seller to register to collect and remit sales
20 and use taxes for all signatory states;

21 (4) The agreement should provide that
22 registration with the central registration system and
23 the collection of sales and use taxes in the signatory
24 states will not be used as a factor in determining
25 whether the seller has nexus with a state for any tax;

26 (5) The agreement should provide for reduction of
27 the burdens of complying with local sales and use taxes
28 through the following so long as they do not conflict
29 with the provisions of section 144.1012:

30 (a) Restricting variances between the state and
31 local tax bases;

32 (b) Requiring states to administer any sales and
33 use taxes levied by local jurisdictions within the
34 state so that sellers collecting and remitting these
35 taxes will not have to register or file returns with,
36 remit funds to, or be subject to independent audits
37 from local taxing jurisdictions;

38 (c) Restricting the frequency of changes in the
39 local sales and use tax rates and setting effective
40 dates for the application of local jurisdictional
41 boundary changes to local sales and use taxes; and

42 (d) Providing notice of changes in local sales
43 and use tax rates and of changes in the boundaries of
44 local taxing jurisdictions;

45 (6) The agreement should outline any monetary
46 allowances that are to be provided by the states to
47 sellers or certified service providers. The agreement
48 must allow for a joint public and private sector study
49 of the compliance cost on sellers and certified service
50 providers to collect sales and use taxes for state and
51 local governments under various levels of complexity to

1 be completed by July 1, 2003;

2 (7) The agreement should require each state to
3 certify compliance with the terms of the agreement
4 prior to joining and to maintain compliance, under the
5 laws of the member state, with all provisions of the
6 agreement while a member, only if the agreement and any
7 amendment thereto complies with the provisions of
8 section 144.1012;

9 (8) The agreement should require each state to
10 adopt a uniform policy for certified service providers
11 that protects the privacy of consumers and maintains
12 the confidentiality of tax information; and

13 (9) The agreement should provide for the
14 appointment of an advisory council of private sector
15 representatives and an advisory council of nonmember
16 state representatives to consult with in the
17 administration of the agreement.]
18

19 Section B. The repeal of sections 66.601, 67.1713, 67.1971,
20 144.069, 144.517, 144.1000, 144.1003, 144.1006, 144.1009,
21 144.1012, and 144.1015, the repeal and reenactment of sections
22 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581,
23 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738,
24 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,
25 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525,
26 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014,
27 144.030, 144.032, 144.043, 144.049, 144.054, 144.070, 144.080,
28 144.082, 144.083, 144.084, 144.100, 144.140, 144.210, 144.212,
29 144.285, 144.522, 144.526, 144.655, 144.710, 221.407, 238.235,
30 238.410, and 644.032, and the enactment of sections 32.070,
31 32.086, 144.022, 144.040, 144.041, 144.042, 144.105, 144.110,
32 144.123, 144.124, 144.125, 144.212, and 144.522 shall become
33 effective on January 1, 2015.

34 Section C. Because immediate action is necessary to secure
35 adequate state revenue, the enactment of section 32.383 is deemed
36 necessary for the immediate preservation of the public health,

1 welfare, peace, and safety, and the enactment of section 32.383
2 is hereby declared to be an emergency act within the meaning of
3 the constitution, and the enactment of section 32.383 shall be in
4 full force and effect upon its passage and approval.