

SECOND REGULAR SESSION

HOUSE BILL NO. 1197

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (24).

4613L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.049, 144.100, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty-one new sections relating to the implementation of the streamlined sales and use tax agreement.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 2 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 3 144.014, 144.030, 144.049, 144.100, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 4 644.032, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known 5 as sections 32.070, 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 6 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 7 144.030, 144.049, 144.100, 144.105, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 8 644.032, to read as follows:

32.070. 1. There is hereby created in the state treasury the "Streamlined Sales and 2 Use Tax Agreement Fund", which shall consist of money collected under this act. The state 3 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, 4 the state treasurer may approve disbursements. The fund shall be a dedicated fund and, 5 upon appropriation, money in the fund shall be used solely for expenditures for capital 6 improvements in this state and repaying debt incurred for such capital improvements. 7 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining 8 in the fund at the end of the biennium shall not revert to the credit of the general revenue

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
10 **funds are invested. Any interest and moneys earned on such investments shall be credited**
11 **to the fund.**

12 **2. Beginning on January first following the effective date of this act, the first one**
13 **hundred million dollars of revenue generated from the tax imposed under section 144.020,**
14 **excluding any amounts collected for public school districts under 144.701, shall be**
15 **deposited in the streamlined sales and use tax agreement fund created in this section. The**
16 **department of revenue shall track and report the collections generated under this act and**
17 **shall notify the state treasurer each month of the amount to transfer under this section.**
18 **Upon the deposit of one hundred million dollars in such fund under this section, the**
19 **remaining revenues generated under this section shall be deposited in the state general**
20 **revenue fund.**

21 **3. The department of revenue shall promulgate rules necessary to implement the**
22 **provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule,**
23 **as that term is defined in section 536.010, that is created under the authority delegated in**
24 **this section shall become effective only if it complies with and is subject to all of the**
25 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
26 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
27 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
28 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
29 **proposed or adopted after August 28, 2012, shall be invalid and void.**

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

6 2. Any local sales tax so adopted shall become effective on the first day of the second
7 calendar quarter after the director of revenue receives notice of adoption of the local sales tax,
8 except as provided in subsection 18 of this section.

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

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

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

26 6. On and after the effective date of any local sales tax imposed under the provisions of
27 the local sales tax law, the director of revenue shall perform all functions incident to the
28 administration, collection, enforcement, and operation of the tax, and the director of revenue
29 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes
30 authorized under the authority of the local sales tax law. All local sales taxes imposed under the
31 local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri
32 shall be collected together and reported upon such forms and under such administrative rules and
33 regulations as may be prescribed by the director of revenue.

34 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state
35 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection
36 of any local sales tax imposed under the local sales tax law except as modified by the local sales
37 tax law.

38 8. All exemptions granted to agencies of government, organizations, persons and to the
39 sale of certain articles and items of tangible personal property and taxable services under the
40 provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter
41 be amended, it being the intent of this general assembly to ensure that the same sales tax
42 exemptions granted from the state sales tax law also be granted under the local sales tax law, are
43 hereby made applicable to the imposition and collection of all local sales taxes imposed under
44 the local sales tax law.

45 9. The same sales tax permit, exemption certificate and retail certificate required by
46 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
47 satisfy the requirements of the local sales tax law, and no additional permit or exemption
48 certificate or retail certificate shall be required; except that the director of revenue may prescribe
49 a form of exemption certificate for an exemption from any local sales tax imposed by the local
50 sales tax law.

51 10. All discounts allowed the retailer under the provisions of the state sales tax law for
52 the collection of and for payment of taxes under the provisions of the state sales tax law are
53 hereby allowed and made applicable to any local sales tax collected under the provisions of the
54 local sales tax law.

55 11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a
56 violation of the provisions of those sections are hereby made applicable to violations of the
57 provisions of the local sales tax law.

58 12. (1) For the purposes of any local sales tax imposed by an ordinance or order under
59 the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard
60 motors, shall be deemed to be consummated at the place [of business of the retailer unless the
61 tangible personal property sold is delivered by the retailer or his agent to an out-of-state
62 destination. In the event a retailer has more than one place of business in this state which
63 participates in the sale, the sale shall be deemed to be consummated at the place of business of
64 the retailer where the initial order for the tangible personal property is taken, even though the
65 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
66 sale by a retailer's agent or employee shall be deemed to be consummated at the place of business
67 from which he works] **where the tangible personal property is received by the purchaser.**

68 (2) For the purposes of any local sales tax imposed by an ordinance or order under the
69 local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be
70 deemed to be consummated at the residence of the purchaser and not at the place of business of
71 the retailer, or the place of business from which the retailer's agent or employee works.

72 (3) For the purposes of any local tax imposed by an ordinance or under the local sales
73 tax law on charges for mobile telecommunications services, all taxes of mobile
74 telecommunications service shall be imposed as provided in the Mobile Telecommunications
75 Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

76 13. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale
77 of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the
78 seller, but shall be collected by the director of revenue at the time application is made for a
79 certificate of title, if the address of the applicant is within a taxing entity imposing a local sales
80 tax under the local sales tax law.

81 14. The director of revenue and any of his deputies, assistants and employees who have
82 any duties or responsibilities in connection with the collection, deposit, transfer, transmittal,
83 disbursement, safekeeping, accounting, or recording of funds which come into the hands of the
84 director of revenue under the provisions of the local sales tax law shall enter a surety bond or
85 bonds payable to any and all taxing entities in whose behalf such funds have been collected
86 under the local sales tax law in the amount of one hundred thousand dollars for each such tax;

87 but the director of revenue may enter into a blanket bond covering himself and all such deputies,
88 assistants and employees. The cost of any premium for such bonds shall be paid by the director
89 of revenue from the share of the collections under the sales tax law retained by the director of
90 revenue for the benefit of the state.

91 15. The director of revenue shall annually report on his management of each trust fund
92 which is created under the local sales tax law and administration of each local sales tax imposed
93 under the local sales tax law. He shall provide each taxing entity imposing one or more local
94 sales taxes authorized by the local sales tax law with a detailed accounting of the source of all
95 funds received by him for the taxing entity. Notwithstanding any other provisions of law, the
96 state auditor shall annually audit each trust fund. A copy of the director's report and annual audit
97 shall be forwarded to each taxing entity imposing one or more local sales taxes.

98 16. Within the boundaries of any taxing entity where one or more local sales taxes have
99 been imposed, if any person is delinquent in the payment of the amount required to be paid by
100 him under the local sales tax law or in the event a determination has been made against him for
101 taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection
102 of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to
103 144.525. Where the director of revenue has determined that suit must be filed against any person
104 for the collection of delinquent taxes due the state under the state sales tax law, and where such
105 person is also delinquent in payment of taxes under the local sales tax law, the director of
106 revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount
107 of any local sales tax due so that appropriate action may be taken by the taxing entity.

108 17. Where property is seized by the director of revenue under the provisions of any law
109 authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed
110 by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax
111 imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join
112 in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing
113 entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums
114 due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

115 18. If a local sales tax has been in effect for at least one year under the provisions of the
116 local sales tax law and voters approve reimposition of the same local sales tax at the same rate
117 at an election as provided for in the local sales tax law prior to the date such tax is due to expire,
118 the tax so reimposed shall become effective the first day of the first calendar quarter after the
119 director receives a certified copy of the ordinance, order or resolution accompanied by a map
120 clearly showing the boundaries thereof and the results of such election, provided that such
121 ordinance, order or resolution and all necessary accompanying materials are received by the
122 director at least thirty days prior to the expiration of such tax. Any administrative cost or

123 expense incurred by the state as a result of the provisions of this subsection shall be paid by the
124 city or county reimposing such tax.

125 **19. If the boundaries of a city in which a sales tax has been imposed shall thereafter**
126 **be changed or altered, the city clerk shall forward to the director of revenue by United**
127 **States registered mail or certified mail a certified copy of the ordinance adding or**
128 **detaching territory from the city within ten days of adoption of the ordinance. The**
129 **ordinance shall reflect the effective date of the ordinance and shall be accompanied by a**
130 **map of the city clearly showing the territory added or detached from the city boundaries.**
131 **Upon receipt of the ordinance and map, the tax imposed under the local sales tax law shall**
132 **be effective in the added territory or abolished in the detached territory on the first day of**
133 **the second calendar quarter after the director of revenue receives notice of the boundary**
134 **change.**

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

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

6 (2) All exemptions granted to agencies of government, organizations, and persons under
7 the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and
8 collection of the tax imposed by sections 67.571 to 67.577.

9 2. The same sales tax permit, exemption certificate and retail certificate required by
10 sections 144.010 to 144.510 for the administration and collection of the state sales tax shall
11 satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption
12 certificate or retail certificate shall be required; except that, the director of revenue may prescribe
13 a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to
14 67.577.

15 3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law
16 for the collection of and for payment of taxes pursuant to that act are hereby allowed and made
17 applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

18 4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a
19 violation of those acts are hereby made applicable to violations of the provisions of sections
20 67.571 to 67.577.

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

67.582. 1. The governing body of any county, except a county of the first class with a
 2 charter form of government with a population of greater than four hundred thousand inhabitants,
 3 is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half
 4 of one percent on all retail sales made in such county which are subject to taxation under the
 5 provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services
 6 for such county. The tax authorized by this section shall be in addition to any and all other sales
 7 taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions
 8 of this section shall be effective unless the governing body of the county submits to the voters
 9 of the county, at a county or state general, primary or special election, a proposal to authorize the
 10 governing body of the county to impose a tax.

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

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

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

17 YES NO

18

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

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

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

29 YES NO

30

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

33

34 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 35 of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or
 36 order and any amendments thereto shall be in effect on the first day of the second **calendar**

37 quarter [immediately following the election approving the proposal] **after the director of**
38 **revenue receives notification of adoption of the local sales tax.** If the constitutionally required
39 percentage of the voters voting thereon are in favor of the proposal submitted pursuant to
40 subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall
41 be in effect on the first day of the second **calendar** quarter [immediately following the election
42 approving the proposal] **after the director of revenue receives notification of adoption of the**
43 **local sales tax.** If a proposal receives less than the required majority, then the governing body
44 of the county shall have no power to impose the sales tax herein authorized unless and until the
45 governing body of the county shall again have submitted another proposal to authorize the
46 governing body of the county to impose the sales tax authorized by this section and such
47 proposal is approved by the required majority of the qualified voters voting thereon. However,
48 in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve
49 months from the date of the last proposal pursuant to this section.

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

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

61 5. All sales taxes collected by the director of revenue under this section on behalf of any
62 county, less one percent for cost of collection which shall be deposited in the state's general
63 revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall
64 be deposited in a special trust fund, which is hereby created, to be known as the "County Law
65 Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust
66 fund shall not be deemed to be state funds and shall not be commingled with any funds of the
67 state. The director of revenue shall keep accurate records of the amount of money in the trust
68 and which was collected in each county imposing a sales tax under this section, and the records
69 shall be open to the inspection of officers of the county and the public. Not later than the tenth
70 day of each month the director of revenue shall distribute all moneys deposited in the trust fund
71 during the preceding month to the county which levied the tax; such funds shall be deposited
72 with the county treasurer of each such county, and all expenditures of funds arising from the

73 county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the
74 governing body of each such county. Expenditures may be made from the fund for any law
75 enforcement functions authorized in the ordinance or order adopted by the governing body
76 submitting the law enforcement tax to the voters.

77 6. The director of revenue may authorize the state treasurer to make refunds from the
78 amounts in the trust fund and credited to any county for erroneous payments and overpayments
79 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
80 If any county abolishes the tax, **the repeal of such tax shall become effective December thirty-**
81 **first of the calendar year in which such abolishment was approved.** The county shall notify
82 the director of revenue of the action at least ninety days prior to the effective date of the repeal
83 and the director of revenue may order retention in the trust fund, for a period of one year, of two
84 percent of the amount collected after receipt of such notice to cover possible refunds or
85 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
86 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
87 county, the director of revenue shall remit the balance in the account to the county and close the
88 account of that county. The director of revenue shall notify each county of each instance of any
89 amount refunded or any check redeemed from receipts due the county.

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

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

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

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

16
17

YES

NO

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

20

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal submitted pursuant to this subsection, then the ordinance or order and any
23 amendments thereto shall be in effect on the first day of the second **calendar** quarter
24 [immediately following the election approving the proposal] **after the director of revenue**
25 **receives notification of adoption of the local sales tax**. If a proposal receives less than the
26 required majority, then the governing body of the county shall have no power to impose the sales
27 tax herein authorized unless and until the governing body of the county shall again have
28 submitted another proposal to authorize the governing body of the county to impose the sales tax
29 authorized by this section and such proposal is approved by the required majority of the qualified
30 voters voting thereon. However, in no event shall a proposal pursuant to this section be
31 submitted to the voters sooner than twelve months from the date of the last proposal pursuant
32 to this section.

33 3. Twenty-five percent of the revenue received by a county treasurer from the tax
34 authorized pursuant to this section shall be deposited in a special trust fund and shall be used
35 solely by a prosecuting attorney's office for such county for so long as the tax shall remain in
36 effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust
37 fund established pursuant to section 67.582 of the county levying the tax pursuant to this section.
38 The revenue derived from the tax imposed pursuant to this section shall be used for public law
39 enforcement services only. No revenue derived from the tax imposed pursuant to this section
40 shall be used for any private contractor providing law enforcement services or for any private
41 jail.

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

47 5. All sales taxes collected by the director of revenue pursuant to this section on behalf
48 of any county, less one percent for cost of collection which shall be deposited in the state's
49 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,
50 shall be deposited in a special trust fund, which is hereby created, to be known as the "County
51 Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax
52 trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust
53 funds shall not be deemed to be state funds and shall not be commingled with any funds of the

54 state. The director of revenue shall keep accurate records of the amount of money in the trusts
 55 and which was collected in each county imposing a sales tax pursuant to this section, and the
 56 records shall be open to the inspection of officers of the county and the public. Not later than
 57 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
 58 trust funds during the preceding month to the county which levied the tax; such funds shall be
 59 deposited with the county treasurer of each such county, and all expenditures of funds arising
 60 from either trust fund shall be by an appropriation act to be enacted by the governing body of
 61 each such county. Expenditures may be made from the funds for any functions authorized in the
 62 ordinance or order adopted by the governing body submitting the tax to the voters.

63 6. The director of revenue may authorize the state treasurer to make refunds from the
 64 amounts in the trust funds and credited to any county for erroneous payments and overpayments
 65 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
 66 If any county abolishes the tax, **the repeal of such tax shall become effective December thirty-**
 67 **first of the calendar year in which such abolishment was approved.** The county shall notify
 68 the director of revenue of the action at least ninety days before the effective date of the repeal and
 69 the director of revenue may order retention in the appropriate trust fund, for a period of one year,
 70 of two percent of the amount collected after receipt of such notice to cover possible refunds or
 71 overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of
 72 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
 73 county, the director of revenue shall remit the balance in the account to the county and close the
 74 account of that county established pursuant to this section. The director of revenue shall notify
 75 each county of each instance of any amount refunded or any check redeemed from receipts due
 76 the county.

77 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
 78 apply to the tax imposed pursuant to this section.

 67.671. 1. The governing body of any county, except first class counties other than first
 2 class counties without charter form of government not adjoining any other first class county
 3 unless such first class county contains part of a city with a population over four hundred and fifty
 4 thousand, and except as otherwise provided in subsection 4 or subsection 7 of this section may,
 5 by a majority vote, impose a tourism sales tax throughout or in any portion of the county for the
 6 promotion of tourism as provided in this act, but such tax shall not become effective unless the
 7 governing body of the county submits to the voters of the county, at a public election, a proposal
 8 to authorize the county to impose a tax under the provisions of sections 67.671 to 67.685.

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

10 Shall the county of (Insert the name of the county) impose a tourism sales
 11 tax of (Insert rate of percent) percent in certain areas of the county?

12

YES

NO

13

14 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 15 of the proposal, then the tax shall be in effect **on the first day of the second calendar quarter**
 16 **after the director of revenue receives notification of adoption of the local sales tax.** If a
 17 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
 18 governing body of the county shall have no power to impose the tax authorized by sections
 19 67.671 to 67.685, unless and until the governing body of the county shall again have submitted
 20 another proposal to authorize the governing body of the county to impose the tax, and such
 21 proposal is approved by a majority of the qualified voters voting thereon.

22 3. Except as otherwise provided in subsection 4 or subsection 7 of this section, the
 23 tourism tax may be imposed at a rate of not more than seven-eighths of one percent on the
 24 receipts from the sale at retail of certain tangible personal property or taxable services within that
 25 part of the county for which such tax has been adopted, as specified in section 67.674.

26 4. The governing body of any third class county which adjoins the Mississippi River and
 27 which also adjoins one or more first class counties without a charter form of government and
 28 which has a population of not more than sixteen thousand inhabitants according to the 1980
 29 decennial census may, by a majority vote, impose:

30 (1) A tourism sales tax on the sale of all food and beverages sold for consumption on the
 31 premises of all restaurants, bars, taverns, or other establishments which are primarily used to
 32 provide food and beverage services;

33 (2) A tourism sales tax upon the rent or lease charges paid by transient guests of hotels,
 34 motels, condominiums, houseboats, and space rented in campgrounds;

35 (3) Or both. The tax may be imposed throughout or in any portion of the county for the
 36 promotion of tourism as provided in sections 67.671 to 67.685 but such tax shall not become
 37 effective unless the governing body of the county submits to the voters of the county, at a public
 38 election, a proposal to authorize the county to impose the tax.

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

40 Shall the county of (Insert name of county) impose a tourism sales tax of
 41 (Insert rate of percent) percent on the sale or rental of
 42 (Insert type of property or service) in certain areas of the county?

43

YES

NO

44

45 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 46 of the proposal, then the tax shall be in effect. If a majority of the votes cast by the qualified
 47 voters voting are opposed to the proposal, then the governing body of the county shall have no

48 power to impose the tax unless and until the governing body of the county shall again have
49 submitted another proposal to authorize the governing body of the county to impose the tax, and
50 such proposal is approved by a majority of the qualified voters voting thereon. The tourism tax
51 may be imposed at a rate of not more than two percent on the receipts from the sale or rental at
52 retail of certain tangible personal property or taxable services as provided in this subsection
53 within that part of the county for which such tax has been adopted.

54 6. Within ten days after a vote in favor of the adoption of a tourism sales tax by the
55 voters of any such county, the governing body of the county shall make its order imposing the
56 tax. The tax shall become effective on the first day of the [first] **second** calendar quarter after
57 [such order is made; provided that in any first class county with a population of at least eighty
58 thousand but less than one hundred thousand, the tax shall become effective on the first day of
59 the first month which begins more than thirty days after such order is made, and such tax shall
60 be collected by the department of revenue in the same manner as prescribed in section 32.087,
61 except as otherwise provided in this section] **the director of revenue receives notification of**
62 **adoption of such tax.**

63 7. In any county which has any part of a Corps of Engineers lake with a shoreline of at
64 least eight hundred miles and not exceeding a shoreline of nine hundred miles, the tourism tax
65 may be imposed at a rate of not more than two percent on the receipts from the sale at retail of
66 certain tangible personal property or taxable services, subject to tax pursuant to chapter 144,
67 within that portion of the county for which such tax has been adopted. All areas in such county
68 imposing a tourism tax eligible to do so under the provisions of this section shall be contiguous
69 with all other areas which adopt the tax.

70 [8. All tourism sales tax collected pursuant to subsection 7 of this section shall be
71 collected and administered by the county collector as provided in section 67.680 and deposited
72 in the "County Advertising and Tourism Sales Tax Trust Fund" created in such section.]

67.678. 1. The following provisions shall govern the collection of the tax imposed by
2 the provisions of sections 67.671 to 67.685:

3 (1) All applicable provisions contained in sections 144.010 to 144.510 governing the
4 state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the
5 collection of the tax imposed by the provisions of sections 67.671 to 67.685, except as modified
6 in sections 67.671 to 67.685;

7 (2) All exemptions granted to agencies of government, organizations, and persons under
8 the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and
9 collection of the tax imposed by sections 67.671 to 67.685.

10 2. The same sales tax permit, exemption certificate and retail certificate required by
11 sections 144.010 to 144.510 for the administration and collection of the state sales tax shall

12 satisfy the requirements of sections 67.671 to 67.685, and no additional permit or exemption
13 certificate or retail certificate shall be required; except that, the director of revenue may prescribe
14 a form of exemption certificate for an exemption from the tax imposed by sections 67.671 to
15 67.685.

16 3. All discounts allowed the retailer under the provisions of the state sales tax law for
17 the collection of and for payment of taxes under that act are hereby allowed and made applicable
18 to any taxes collected under the provisions of sections 67.671 to 67.685.

19 4. The penalties provided in sections 32.057 and 144.010 to 144.510 for a violation of
20 those acts are hereby made applicable to violations of the provisions of sections 67.671 to
21 67.685.

22 [5. For the purposes of the tourism sales tax imposed by an order pursuant to sections
23 67.671 to 67.685, all retail sales shall be deemed to be consummated at the place of business of
24 the retailer.]

67.1303. 1. The governing body of **the following cities and counties may impose a
2 tax as provided in this section:**

3 (1) Any home rule city with more than one hundred fifty-one thousand five hundred but
4 less than one hundred fifty-one thousand six hundred inhabitants[,] ;

5 (2) Any home rule city with more than forty-five thousand five hundred but less than
6 forty-five thousand nine hundred inhabitants [and the governing body of] ;

7 (3) Any city within any county of the first classification with more than one hundred four
8 thousand six hundred but less than one hundred four thousand seven hundred inhabitants [and
9 the governing body of] ;

10 (4) Any county of the third classification without a township form of government and
11 with more than forty thousand eight hundred but less than forty thousand nine hundred
12 inhabitants or any city within such county [may impose, by order or ordinance, a sales tax on all
13 retail sales made in the city or county which are subject to sales tax under chapter 144. In
14 addition, the governing body of] ;

15 (5) Any county of the first classification with more than eighty-five thousand nine
16 hundred but less than eighty-six thousand inhabitants [or the governing body of] ;

17 (6) Any home rule city with more than seventy-three thousand but less than seventy-five
18 thousand inhabitants.

19 **2. The governing body of any city or county listed in subsection 1 of this section** may
20 impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are
21 subject to sales tax under chapter 144. The tax authorized in this section shall not be more than
22 one-half of one percent. The order or ordinance imposing the tax shall not become effective
23 unless the governing body of the city or county submits to the voters of the city or county at a

24 state general or primary election a proposal to authorize the governing body to impose a tax
25 under this section. The tax authorized in this section shall be in addition to all other sales taxes
26 imposed by law, and shall be stated separately from all other charges and taxes.

27 [2.] 3. The ballot of submission for the tax authorized in this section shall be in
28 substantially the following form:

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

31 YES NO

32

33 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
34 of the question, then the tax shall become effective on the first day of the second calendar quarter
35 [following the calendar quarter in which the election was held] **after the director of revenue**
36 **receives notification of adoption of the local sales tax.** If a majority of the votes cast on the
37 question by the qualified voters voting [thereon] **on the question** are opposed to the question,
38 then the tax shall not become effective unless and until the question is resubmitted under this
39 section to the qualified voters and such question is approved by a majority of the qualified voters
40 voting on the question[, provided that] . No proposal shall be resubmitted to the voters sooner
41 than twelve months from the date of the submission of the last proposal.

42 [3.] 4. No revenue generated by the tax authorized in this section shall be used for any
43 retail development project. At least twenty percent of the revenue generated by the tax
44 authorized in this section shall be used solely for projects directly related to long-term economic
45 development preparation, including, but not limited to, the following:

- 46 (1) Acquisition of land;
- 47 (2) Installation of infrastructure for industrial or business parks;
- 48 (3) Improvement of water and wastewater treatment capacity;
- 49 (4) Extension of streets;
- 50 (5) Providing matching dollars for state or federal grants;
- 51 (6) Marketing;
- 52 (7) Construction and operation of job training and educational facilities; and
- 53 (8) Providing grants and low-interest loans to companies for job training, equipment
54 acquisition, site development, and infrastructure. Not more than twenty-five percent of the
55 revenue generated may be used annually for administrative purposes, including staff and facility
56 costs.

57 [4.] 5. All revenue generated by the tax shall be deposited in a special trust fund and shall
58 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
59 special trust fund shall continue to be used solely for the designated purposes. Any funds in the

60 special trust fund which are not needed for current expenditures may be invested by the
61 governing body in accordance with applicable laws relating to the investment of other city or
62 county funds. **The director of revenue may authorize the state treasurer to make refunds
63 from the amounts in the trust fund and credited to any city or county for erroneous
64 payments in the trust fund and credited to any city or county for erroneous payments and
65 overpayments made, and may redeem dishonored checks and drafts deposited to the credit
66 of such counties. If any city or county abolishes the tax authorized under this section, the
67 repeal of such tax shall become effective December thirty-first of the calendar year in
68 which such abolishment was approved. Each city or county shall notify the director of
69 revenue at least ninety days prior to the effective date of the expiration of the sales tax
70 authorized by this section and the director of revenue may order retention in the trust
71 fund, for a period of one year, of two percent of the amount collected after receipt of such
72 notice to cover possible refunds or overpayment of such tax and to redeem dishonored
73 checks and drafts deposited to the credit of such accounts. After one year has elapsed after
74 the date of expiration of the tax authorized by this section in such city or county, the
75 director of revenue shall remit the balance in the account to the city or county and close
76 the account of that city or county. The director of revenue shall notify each city or county
77 of each instance of any amount refunded or any check redeemed from receipts due the city
78 or county.**

79 [5.] 6. Any city or county imposing the tax authorized in this section shall establish an
80 economic development tax board. The board shall consist of eleven members, to be appointed
81 as follows:

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

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

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

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

93 (5) In each city, two members shall be appointed by the governing body of the county
94 in which the city is located. In each county, two members shall be appointed by the governing
95 body of the county. At the option of the members appointed by a city or county the members

96 who are appointed by the school boards and other taxing districts may serve on the board for a
 97 term to coincide with the length of time an economic development project, plan, or designation
 98 of an economic development area is considered for approval by the board, or for the definite
 99 terms as provided in this subsection. If the members representing school districts and other
 100 taxing districts are appointed for a term coinciding with the length of time an economic
 101 development project, plan, or area is approved, such term shall terminate upon final approval of
 102 the project, plan, or designation of the area by the governing body of the city or county. If any
 103 school district or other taxing jurisdiction fails to appoint members of the board within thirty
 104 days of receipt of written notice of a proposed economic development plan, economic
 105 development project, or designation of an economic development area, the remaining members
 106 may proceed to exercise the power of the board. Of the members first appointed by the city or
 107 county, three shall be designated to serve for terms of two years, three shall be designated to
 108 serve for a term of three years, and the remaining members shall be designated to serve for a term
 109 of four years from the date of such initial appointments. Thereafter, the members appointed by
 110 the city or county shall serve for a term of four years, except that all vacancies shall be filled for
 111 unexpired terms in the same manner as were the original appointments.

112 [6.] 7. The board, subject to approval of the governing body of the city or county, shall
 113 develop economic development plans, economic development projects, or designations of an
 114 economic development area, and shall hold public hearings and provide notice of any such
 115 hearings. The board shall vote on all proposed economic development plans, economic
 116 development projects, or designations of an economic development area, and amendments
 117 thereto, within thirty days following completion of the hearing on any such plan, project, or
 118 designation, and shall make recommendations to the governing body within ninety days of the
 119 hearing concerning the adoption of or amendment to economic development plans, economic
 120 development projects, or designations of an economic development area.

121 [7.] 8. The board shall report at least annually to the governing body of the city or county
 122 on the use of the funds provided under this section and on the progress of any plan, project, or
 123 designation adopted under this section.

124 [8.] 9. The governing body of any city or county that has adopted the sales tax authorized
 125 in this section may submit the question of repeal of the tax to the voters on any date available for
 126 elections for the city or county. The ballot of submission shall be in substantially the following
 127 form:

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

130 YES NO

131

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

138 [9.] **10.** Whenever the governing body of any city or county that has adopted the sales
139 tax authorized in this section receives a petition, signed by ten percent of the registered voters
140 of the city or county voting in the last gubernatorial election, calling for an election to repeal the
141 sales tax imposed under this section, the governing body shall submit to the voters a proposal
142 to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
143 thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of
144 the calendar year in which such repeal was approved. If a majority of the votes cast on the
145 question by the qualified voters voting thereon are opposed to the repeal, then the tax shall
146 remain effective until the question is resubmitted under this section to the qualified voters and
147 the repeal is approved by a majority of the qualified voters voting on the question. **Effective**
148 **January 1, 2012, if the city or county abolishes the tax, the city or county shall notify the**
149 **director of revenue of the action at least one hundred twenty days before the effective date**
150 **of the repeal.**

151 **11.** After the effective date of any tax imposed under the provisions of this section,
152 the director of revenue shall perform all functions incident to the administration,
153 collection, enforcement, and operation of the tax and collect, in addition to the sales tax for
154 this state, the additional tax authorized under this section. The tax imposed under this
155 section and the tax imposed under the sales tax law of this state shall be collected together
156 and reported upon such forms and under such administrative rules and regulations as may
157 be prescribed by the director of revenue.

158 **12.** There is hereby created the "Economic Development Sales Tax Trust Fund",
159 which shall consist of all sales tax revenue collected under this section. The state
160 treasurer's office shall be custodian of the trust fund, and moneys in the trust fund shall
161 be used solely for the purposes authorized in this section. Moneys in the trust fund shall
162 be considered nonstate funds under article IV, section 15, of the Missouri Constitution.
163 The state treasurer shall invest moneys in the trust fund in the same manner as other funds
164 are invested. Any interest and moneys earned on such investments shall be credited to the
165 trust fund. All sales taxes collected by the director of revenue under this section on behalf
166 of the city or county, less one percent for the cost of collection which shall be deposited in
167 the state's general revenue fund after payment of premiums for surety bonds as provided

168 **in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep**
 169 **accurate records of the amount of moneys in the trust fund that was collected in the city**
 170 **or county imposing a sales tax under this section, and the records shall be open to the**
 171 **inspection of the officers of each city or county and the general public. Not later than the**
 172 **tenth day of each month, the director of revenue shall distribute all moneys deposited in**
 173 **the trust fund during the preceding month to the city or county.**

174 **13. Except as modified in this section, all provisions of sections 32.085 and 32.087**
 175 **shall apply to the tax imposed under this section.**

67.1545. 1. Any district formed as a political subdivision may impose by resolution a
 2 district sales and use tax on all retail sales made in such district which are subject to taxation
 3 pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or
 4 outboard motors and sales to or by [public utilities and] providers of communications, cable, or
 5 video services. Any sales and use tax imposed pursuant to this section may be imposed in
 6 increments of one-eighth of one percent, up to a maximum of one percent. Such district sales
 7 and use tax may be imposed for any district purpose designated by the district in its ballot of
 8 submission to its qualified voters; except that, no resolution adopted pursuant to this section shall
 9 become effective unless the board of directors of the district submits to the qualified voters of
 10 the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section.
 11 If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the
 12 sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters
 13 are opposed to the sales tax, then the resolution is void.

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

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

20 YES NO

21

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

24 3. Within ten days after the qualified voters have approved the imposition of the sales
 25 and use tax, the district shall, in accordance with section 32.087, notify the director of the
 26 department of revenue. The sales and use tax authorized by this section shall become effective
 27 on the first day of the second calendar quarter after the director of the department of revenue
 28 receives notice of the adoption of such tax.

29 4. [The director of the department of revenue shall collect any tax adopted pursuant to
30 this section pursuant to section 32.087.] **After the effective date of any tax imposed under this**
31 **section, the director of revenue shall perform all functions incident to the administration,**
32 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
33 **this state, the additional tax authorized under the authority of this section. The tax**
34 **imposed under this section and the tax imposed under the sales tax law of this state shall**
35 **be collected together and reported upon such forms and under such administrative rules**
36 **and regulations as may be prescribed by the director of revenue.**

37 5. **All sales taxes collected by the director of revenue under this section on behalf**
38 **of any district, less one percent for the cost of collection, which shall be deposited in the**
39 **state's general revenue fund after payment of premiums for surety bonds as provided in**
40 **section 32.087, shall be deposited with the state treasurer in a special trust fund, which is**
41 **hereby created, to be known as the "Community Improvement District Trust Fund". The**
42 **moneys in the community improvement district tax trust fund shall not be deemed to be**
43 **state funds and shall not be commingled with any funds of the state. The director of**
44 **revenue shall keep accurate records of the amount of money in the trust fund which was**
45 **collected in each district imposing a sales tax under this section, and the records shall be**
46 **open to the inspection of officers of each district and the general public. Not later than the**
47 **tenth day of each month, the director of revenue shall distribute all moneys deposited in**
48 **the trust fund during the preceding month by distributing to the district treasurer, or such**
49 **other officer as may be designated by district ordinance or order, of each district imposing**
50 **the tax authorized by this section, the sum, as certified by the director of revenue, due the**
51 **district.**

52 6. In each district in which a sales and use tax is imposed pursuant to this section, every
53 retailer shall add such additional tax imposed by the district to such retailer's sale price, and when
54 so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser
55 to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

56 [6.] 7. In order to allow retailers to collect and report the sales and use tax authorized by
57 this section as well as all other sales and use taxes required by law in the simplest and most
58 efficient manner possible, a district may establish appropriate brackets to be used in the district
59 imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

60 [7.] 8. The penalties provided in sections 144.010 to 144.525 shall apply to violations
61 of this section.

62 [8.] 9. All revenue received by the district from a sales and use tax imposed pursuant to
63 this section which is designated for a specific purpose shall be deposited into a special trust fund
64 and expended solely for such purpose. Upon the expiration of any sales and use tax adopted

65 pursuant to this section, all funds remaining in the special trust fund shall continue to be used
66 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any
67 funds in such special trust fund which are not needed for current expenditures may be invested
68 by the board of directors pursuant to applicable laws relating to the investment of other district
69 funds.

70 [9.] 10. A district may repeal by resolution any sales and use tax imposed pursuant to this
71 section before the expiration date of such sales and use tax unless the repeal of such sales and
72 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
73 the district has borrowed or obligation the district has issued to finance any improvements or
74 services rendered for the district.

75 [10.] 11. Notwithstanding the provisions of chapter 115, an election for a district sales
76 and use tax under this section shall be conducted in accordance with the provisions of this
77 section.

78 **12. Except as modified in this section, all provisions of sections 32.085 and 32.087**
79 **shall apply to the tax imposed under this section.**

67.1959. 1. The board, by a majority vote, may submit to the residents of such district
2 a tax of not more than one percent on all retail sales, except sales of [food as defined in section
3 144.014, sales of] new or used motor vehicles, [trailers, boats, or other outboard motors, all
4 utilities, telephone and wireless services, and sales of funeral services,] made **on or after**
5 **January 1, 2012**, within the district which are subject to taxation pursuant to the provisions of
6 sections 144.010 to 144.525. Upon the written request of the board to the election authority of
7 the county in which a majority of the area of the district is situated, such election authority shall
8 submit a proposition to the residents of such district at a municipal or statewide primary or
9 general election, or at a special election called for that purpose. Such election authority shall
10 give legal notice as provided in chapter 115.

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

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

15 YES NO

16

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

19

20 If a majority of the votes cast on the proposal by the qualified voters of the proposed district
21 voting thereon are in favor of the proposal, then the order shall become effective on the first day

22 of the second calendar quarter after the director of revenue receives notice of adoption of the tax.
23 If the proposal receives less than the required majority, then the board shall have no power to
24 impose the sales tax authorized pursuant to this section unless and until the board shall again
25 have submitted another proposal to authorize the board to impose the sales tax authorized by this
26 section and such proposal is approved by the required majority of the qualified voters of the
27 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) The name of the proposed district.

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

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

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

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

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

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

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

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

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

64 6. Following the hearing, if the governing body of each county located within the
65 proposed district decides to establish the proposed district, it shall adopt an order to that effect;
66 if the governing body of any county located within the proposed district decides to not establish

67 the proposed district, the boundaries of the proposed district shall not include that county. The
68 order shall contain the following:

- 69 (1) The description of the boundaries of the district;
- 70 (2) A statement that an exhibition center and recreational facility district has been
71 established;
- 72 (3) The name of the district;
- 73 (4) The uses for any revenue generated by a sales tax imposed pursuant to this section;
74 and
- 75 (5) A declaration that the district is a political subdivision of the state.

76 7. A district established pursuant to this section may, at a general, primary, or special
77 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of
78 one percent, for a period not to exceed twenty-five years, on all retail sales within the district,
79 which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition,
80 construction, maintenance, operation, improvement, and promotion of an exhibition center and
81 recreational facilities. The ballot of submission shall be in substantially the following form:

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

86 YES NO

87

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

90

91 If a majority of the votes cast in the portion of any county that is part of the proposed district
92 favor the proposal, then the sales tax shall become effective in that portion of the county that is
93 part of the proposed district on the first day of the [first] **second** calendar quarter [immediately
94 following the election] **after the director of revenue receives notification of adoption of the**
95 **local sales tax**. If a majority of the votes cast in the portion of a county that is a part of the
96 proposed district oppose the proposal, then that portion of such county shall not impose the sales
97 tax authorized in this section until after the county governing body has submitted another such
98 sales tax proposal and the proposal is approved by a majority of the qualified voters voting
99 thereon. However, if a sales tax proposal is not approved, the governing body of the county shall
100 not resubmit a proposal to the voters pursuant to this section sooner than twelve months from
101 the date of the last proposal submitted pursuant to this section. If the qualified voters in two or

102 more counties that have contiguous districts approve the sales tax proposal, the districts shall
103 combine to become one district.

104 8. There is hereby created a board of trustees to administer any district created and the
105 expenditure of revenue generated pursuant to this section consisting of four individuals to
106 represent each county approving the district, as provided in this subsection. The governing body
107 of each county located within the district, upon approval of that county's sales tax proposal, shall
108 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging
109 business located within the taxing district, or their designee, at least one shall be an owner of a
110 lodging facility located within the district, or their designee, and all members shall reside in the
111 district except that one nonlodging business owner, or their designee, and one lodging facility
112 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five
113 years of age and a resident of this state. Of the initial trustees appointed from each county, two
114 shall hold office for two years, and two shall hold office for four years. Trustees appointed after
115 expiration of the initial terms shall be appointed to a four-year term by the governing body of the
116 county the trustee represents, with the initially appointed trustee to remain in office until a
117 successor is appointed, and shall take office upon being appointed. Each trustee may be
118 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the
119 office was originally appointed. The trustees shall not receive compensation for their services,
120 but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and
121 other officers necessary for its membership. Trustees may be removed if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

174 10. [There is hereby created the "Exhibition Center and Recreational Facility District
175 Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this
176 section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund
177 shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall
178 be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The
179 director of revenue shall invest moneys in the trust fund in the same manner as other funds are
180 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.
181 All sales taxes collected by the director of revenue pursuant to this section on behalf of the
182 district, less one percent for the cost of collection which shall be deposited in the state's general
183 revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall
184 be deposited in the trust fund. The director of revenue shall keep accurate records of the amount
185 of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to
186 this section, and the records shall be open to the inspection of the officers of each district and the
187 general public. Not later than the tenth day of each month, the director of revenue shall
188 distribute all moneys deposited in the trust fund during the preceding month to the district. The
189 director of revenue may authorize refunds from the amounts in the trust fund and credited to the
190 district for erroneous payments and overpayments made, and may redeem dishonored checks and
191 drafts deposited to the credit of the district.

192 11. The sales tax authorized by this section is in addition to all other sales taxes allowed
193 by law.] **After the effective date of any tax imposed under the provisions of this section, the**
194 **director of revenue shall perform all functions incident to the administration, collection,**
195 **enforcement, and operation of the tax and collect, in addition to the sales tax for the state**
196 **of Missouri, the additional tax authorized under the authority of this section. The tax**
197 **imposed under this section and the tax imposed under the sales tax law of the state of**
198 **Missouri shall be collected together and reported upon such forms and under such**
199 **administrative rules and regulations as may be prescribed by the director of revenue.**

200 11. **All sales taxes collected by the director of revenue under this section on behalf**
201 **of any district, less one percent for the cost of collection, which shall be deposited in the**
202 **state's general revenue fund after payment of premiums for surety bonds as provided in**
203 **section 32.087, shall be deposited with the state treasurer in a special trust fund, which is**
204 **hereby created, to be known as the "Exhibition Center and Recreational Facility District**
205 **Trust Fund". The moneys in the exhibition center and recreational facilities tax trust fund**
206 **shall not be deemed to be state funds and shall not be commingled with any funds of the**
207 **state. The director of revenue shall keep accurate records of the amount of money in the**

208 **trust fund that was collected in each district imposing a sales tax under this section, and**
 209 **the records shall be open to the inspection of officers of each district and the general**
 210 **public. Not later than the tenth day of each month, the director of revenue shall distribute**
 211 **all moneys deposited in the trust fund during the preceding month by distributing to the**
 212 **district treasurer, or such other officer as may be designated by district ordinance or order,**
 213 **of each district imposing the tax authorized by this section, the sum, as certified by the**
 214 **director of revenue, due the district.**

215 **12. The director of revenue may authorize the state treasurer to make refunds from**
 216 **the amounts in the trust fund and credited to any city or county for erroneous payments**
 217 **and overpayments made, and may redeem dishonored checks and drafts deposited to the**
 218 **credit of such counties. If any city or county abolishes the tax authorized under this**
 219 **section, the repeal of such tax shall become effective December thirty-first of the calendar**
 220 **year in which such abolishment was approved. Each city or county shall notify the**
 221 **director of revenue at least ninety days prior to the effective date of the expiration of the**
 222 **sales tax authorized by this section and the director of revenue may order retention in the**
 223 **trust fund, for a period of one year, of two percent of the amount collected after receipt of**
 224 **such notice to cover possible refunds or overpayment of such tax and to redeem dishonored**
 225 **checks and drafts deposited to the credit of such accounts. After one year has elapsed after**
 226 **the date of expiration of the tax authorized by this section in such city or county, the**
 227 **director of revenue shall remit the balance in the account to the city or county and close**
 228 **the account of that city or county. The director of revenue shall notify each city or county**
 229 **of each instance of any amount refunded or any check redeemed from receipts due the city**
 230 **or county.**

231 **13. Except as modified in this section, all provisions of sections 32.085 and 32.087 apply**
 232 **to the sales tax imposed pursuant to this section.**

233 **[12.] 14. Any sales tax imposed pursuant to this section shall not extend past the initial**
 234 **term approved by the voters unless an extension of the sales tax is submitted to and approved by**
 235 **the qualified voters in each county in the manner provided in this section. Each extension of the**
 236 **sales tax shall be for a period not to exceed twenty years. The ballot of submission for the**
 237 **extension shall be in substantially the following form:**

238 **Shall the (name of district) extend the sales tax of one-fourth of one percent for**
 239 **a period of (insert number of years) years to fund the acquisition, construction,**
 240 **maintenance, operation, improvement, and promotion of an exhibition center and recreational**
 241 **facilities?**

242 YES NO
 243

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

246

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

252 [13.] **15.** Once the sales tax authorized by this section is abolished or terminated by any
253 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
254 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
255 the district has any financing or other obligations outstanding; provided that any new financing,
256 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
257 incurred more than ten years after voter approval of the sales tax provided in this section or more
258 than ten years after any voter-approved extension thereof shall not cause the extension of the
259 sales tax provided in this section or cause the final maturity of any financing or other obligations
260 outstanding to be extended. Any funds in the trust fund which are not needed for current
261 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)
262 of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the
263 district abolishes the sales tax, the district shall notify the director of revenue of the action at
264 least ninety days before the effective date of the repeal, and the director of revenue may order
265 retention in the trust fund, for a period of one year, of two percent of the amount collected after
266 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem
267 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
268 after the effective date of abolition of the sales tax in the district, the director of revenue shall
269 remit the balance in the account to the district and close the account of the district. The director
270 of revenue shall notify the district of each instance of any amount refunded or any check
271 redeemed from receipts due the district.

272 [14.] **16.** In the event that the district is dissolved or terminated by any means, the
273 governing bodies of the counties in the district shall appoint a person to act as trustee for the
274 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall
275 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond
276 with sufficient security, approved by the governing bodies of the counties, to the use of the
277 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and
278 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
279 obligations of the district, shall pay over to the county treasurer of each county in the district and

280 take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears
 281 to the total levy for the district in the previous three years or since the establishment of the
 282 district, whichever time period is shorter. Upon payment to the county treasurers, the trustee
 283 shall deliver to the clerk of the governing body of any county in the district all books, papers,
 284 records, and deeds belonging to the dissolved district.

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

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

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

15 YES NO

16

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

19

20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 21 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the
 22 first day of the [first] **second** calendar quarter immediately [following notification to] **after** the
 23 director of the department of revenue [of the election approving the proposal] **receives**
 24 **notification of adoption of the local sales tax**. If a proposal receives less than the required
 25 majority, then the governing authority of the city shall have no power to impose the sales tax
 26 unless and until the governing authority of the city has submitted another proposal to authorize
 27 the imposition of the sales tax authorized by this section and such proposal is approved by the
 28 required majority of the qualified voters voting thereon. However, in no event shall a proposal
 29 pursuant to this section be submitted to the voters sooner than twelve months from the date of
 30 the last proposal pursuant to this section.

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

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

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

44 4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of
45 one percent and interest not to exceed two percent per month on unpaid taxes which shall be
46 considered delinquent thirty days after the last day of each quarter.] **After the effective date of
47 any tax imposed under the provisions of this section, the director of revenue shall perform
48 all functions incident to the administration, collection, enforcement, and operation of the
49 tax and collect, in addition to the sales tax for the state of Missouri, the additional tax
50 authorized under the authority of this section. The tax imposed under this section and the
51 tax imposed under the sales tax law of the state of Missouri shall be collected together and
52 reported upon such forms and under such administrative rules and regulations as may be
53 prescribed by the director of revenue.**

54 **4. There is hereby created the "City Tourism Sales Tax Trust Fund", which shall
55 consist of all sales tax revenue collected under this section. The state treasurer's office shall
56 be custodian of the trust fund, and moneys in the trust fund shall be used solely for the
57 purposes authorized in this section. Moneys in the trust fund shall be considered nonstate
58 funds under article IV, section 15, of the Missouri Constitution. The state treasurer shall
59 invest moneys in the trust fund in the same manner as other funds are invested. Any
60 interest and moneys earned on such investments shall be credited to the trust fund. All
61 sales taxes collected by the director of revenue under this section on behalf of the city, less
62 one percent for the cost of collection, which shall be deposited in the state's general revenue
63 fund after payment of premiums for surety bonds as provided in section 32.087 shall be
64 deposited in the trust fund. The director of revenue shall keep accurate records of the
65 amount of moneys in the trust fund that was collected in the city imposing a sales tax under
66 this section, and the records shall be open to the inspection of the officers of each city and**

67 **the general public. Not later than the tenth day of each month, the director of revenue**
 68 **shall distribute all moneys deposited in the trust fund during the preceding month to the**
 69 **city. The director of revenue may authorize refunds from the amounts in the trust fund**
 70 **and credited to the city or county for erroneous payments and overpayments made, and**
 71 **may redeem dishonored checks and drafts deposited to the credit of the city.**

72 5. (1) The governing authority of any city that has adopted any sales tax pursuant to this
 73 section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least
 74 ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the
 75 qualified voters at any primary or general election. The ballot of submission shall be in
 76 substantially the following form:

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

79 YES NO

80

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

83

84 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 85 effective on December thirty-first of the calendar year in which such repeal was approved.
 86 **Effective January 1, 2012, if the city or county abolishes the tax, the city or county shall**
 87 **notify the director of revenue of the action at least one hundred twenty days before the**
 88 **effective date of the repeal.**

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

94 (3) The governing authority of a city repealing a tax pursuant to this section shall notify
 95 the director of revenue of the action at least forty-five days before the effective date of the repeal
 96 and the director of revenue may order retention in any trust fund created in the state treasury
 97 associated with the tax, for a period of one year, of two percent of the amount collected after
 98 receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored
 99 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
 100 effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the
 101 trust fund to the city and close the account of that city. The director of revenue shall notify each
 102 city of each instance of any amount refunded or any check redeemed from receipts due the city.

103 (4) In the event that the repeal of a sales tax pursuant to this section dissolves or
104 terminates a taxing district, the governing authority of the city shall appoint a person to act as
105 trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the
106 trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall
107 give bond with sufficient security, approved by the governing authority of the city, to the use of
108 the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have
109 and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
110 obligations of the district, shall pay over to the city treasurer or the equivalent official and take
111 receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver
112 to the clerk of the governing authority of the city all books, papers, records, and deeds belonging
113 to the dissolved district.

114 6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
115 apply to the tax imposed pursuant to this section.

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

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

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

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

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

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

24 section, to call a meeting of the owners of real property within the subdistrict at a day and hour
25 specified in a public place in the city, town, or village in which the petition was filed for the
26 purpose of electing members of the board of directors.

27 5. The property owners, when assembled, shall organize by the election of a temporary
28 chairman and secretary of the meeting who shall conduct the election. An election shall be
29 conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At
30 the election, each acre of real property within the subdistrict shall represent one share, and each
31 owner, including corporations and other entities, may have one vote in person or for every acre
32 of real property owned by such person within the subdistrict. Each voter which is not an
33 individual shall determine how to cast its vote as provided for in its articles of incorporation,
34 articles of organization, articles of partnership, bylaws, or other document which sets forth an
35 appropriate mechanism for the determination of the entity's vote. If a voter has no such
36 mechanism, then its vote shall be cast as determined by a majority of the persons who run the
37 day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary
38 chairman and secretary to the municipal clerk if the district is established by a municipality
39 described in this section, or to the circuit clerk if the district is established by a circuit court.

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

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

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

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

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

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

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

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

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

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

68 13. At the first meeting, the board, by resolution, shall receive the certification of the
69 election regarding the sales tax, and may impose the sales tax in all subdistricts approving the
70 imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become
71 effective on the first day of the [first] **second** calendar quarter [immediately following the action
72 by the district board of directors imposing the tax] **after the director of revenue receives**
73 **notification of adoption of the local sales tax.**

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

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

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

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

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

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

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

92 (6) To collect taxes and other revenues;

93 (7) To borrow money and incur indebtedness and evidence the same by certificates,
94 notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or

95 any part of the cost of land, construction, development, or equipping of any facilities or
96 operations of the district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the

36 district imposing a tax pursuant to this section in lieu of those brackets provided in section
37 144.285.

38 6.] 4. All revenue received by a district from the sales tax authorized by this section shall
39 be deposited in a special trust fund and shall be used solely for the purposes of the district. Any
40 funds in such special trust fund which are not needed for the district's current expenditures may
41 be invested by the district board of directors in accordance with applicable laws relating to the
42 investment of other district funds.

43 [7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the
44 receipts from the sale at retail of all tangible personal property or taxable services at retail within
45 the district adopting such tax, if such property and services are subject to taxation by the state
46 of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax
47 imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the
48 subdistricts approving the sales tax.

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

55 9. (1) On and after the effective date of any sales tax imposed pursuant to this section,
56 the district shall perform all functions incident to the administration, collection, enforcement, and
57 operation of the tax. The sales tax imposed pursuant to this section shall be collected and
58 reported upon such forms and under such administrative rules and regulations as may be
59 prescribed by the district.

60 (2)] 6. **After the effective date of any tax imposed under the provisions of this**
61 **section, the director of revenue shall perform all functions incident to the administration,**
62 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
63 **the state of Missouri, the additional tax authorized under the authority of this section. The**
64 **tax imposed under this section and the tax imposed under the sales tax law of the state of**
65 **Missouri shall be collected together and reported upon such forms and under such**
66 **administrative rules and regulations as may be prescribed by the director of revenue.**

67 7. **All sales taxes collected by the director of revenue under this section on behalf**
68 **of any district, less one percent for the cost of collection, which shall be deposited in the**
69 **state's general revenue fund after payment of premiums for surety bonds as provided in**
70 **section 32.087 shall be deposited with the state treasurer in a special trust fund, which is**
71 **hereby created, to be known as the "Theater, Cultural Arts, and Entertainment District**

72 **Trust Fund". The moneys in the theater, cultural arts, and entertainment tax trust fund**
73 **shall not be deemed to be state funds and shall not be commingled with any funds of the**
74 **state. The director of revenue shall keep accurate records of the amount of money in the**
75 **trust fund that was collected in each district imposing a sales tax under this section, and**
76 **the records shall be open to the inspection of officers of each district and the general**
77 **public. Not later than the tenth day of each month, the director of revenue shall distribute**
78 **all moneys deposited in the trust fund during the preceding month by distributing to the**
79 **district treasurer, or such other officer as may be designated by the district ordinance or**
80 **order, of each district imposing the tax authorized by this section, the sum, as certified by**
81 **the director of revenue, due the district.**

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

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

92 10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing
93 the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality
94 provision, shall apply to the collection of the tax imposed by this section, except as modified in
95 this section.

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

100 (3) The same sales tax permit, exemption certificate, and retail certificate required by
101 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
102 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
103 certificate shall be required; except that the district may prescribe a form of exemption certificate
104 for an exemption from the tax imposed by this section.

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

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

110 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
111 retail sales shall be deemed to be consummated at the place of business of the retailer unless the
112 tangible personal property sold is delivered by the retailer or the retailer's agent to an out- of-state
113 destination or to a common carrier for delivery to an out-of-state destination. In the event a
114 retailer has more than one place of business in this state which participates in the sale, the sale
115 shall be deemed to be consummated at the place of business of the retailer where the initial order
116 for the tangible personal property is taken, even though the order must be forwarded elsewhere
117 for acceptance, approval of credit, shipment, or billing.

118

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

121 (7)] 9. Subsequent to the initial approval by the voters and implementation of a sales tax
122 in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of
123 one percent on retail sales as provided in this subsection. The election shall be conducted in
124 accordance with section 67.2520; provided, however, that the district board of directors may
125 place the question of the increase of the sales tax before the voters of the district by resolution,
126 and the municipal clerk of the city, town, or village which originally conducted the incorporation
127 of the district, or the circuit clerk of the court which originally conducted the incorporation of
128 the district, shall conduct the subsequent election. In subsequent elections, the election judges
129 shall certify the election results to the district board of directors. The ballot of submission shall
130 be in substantially the following form:

131 Shall (name of district) increase the (insert amount) percent district
132 sales tax now in effect to..... (insert amount) in the (name of district)?

133 YES NO

134

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

137

138 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon
139 are in favor of the increase, the increase shall become effective [December thirty-first of the
140 calendar year in which such increase was approved] **on the first day of the second calendar**
141 **quarter after the director of revenue receives notification of the local sales tax increase.**

142 [11.] 10. (1) There shall not be any election as provided for in this section while the
143 district has any financing or other obligations outstanding.

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

149 Shall (name of district) dissolve and repeal the (insert amount) percent
 150 district sales tax now in effect in the (name of district)?

151 YES NO

152

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

155

156 Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with
 157 section 67.2520; provided, however, that the district board of directors may place the question
 158 of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city,
 159 town, or village which originally conducted the incorporation of the district, or the circuit clerk
 160 of the court which originally conducted the incorporation of the district, shall conduct the
 161 subsequent election. In subsequent elections the election judges shall certify the election results
 162 to the district board of directors.

163 (3) If a majority of the votes cast on the proposal by the qualified voters of the district
 164 voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of
 165 the calendar year in which such repeal was approved or after the repayment of the district's
 166 indebtedness, whichever occurs later. **Effective January 1, 2012, if the district abolishes the**
 167 **tax, the district shall notify the director of revenue of the action at least one hundred**
 168 **twenty days before the effective date of the repeal.**

169 [12.] 11. (1) At such time as the board of directors of the district determines that further
 170 operation of the district is not in the best interests of the inhabitants of the district, and that the
 171 district should dissolve, the board shall submit for a vote in an election held throughout the
 172 district the question of whether the district should be abolished. The question shall be submitted
 173 in substantially the following form:

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

175 YES NO

176

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

179 (2) The district board shall not propose the question to abolish the district while there
180 are outstanding claims or causes of action pending against the district, while the district liabilities
181 exceed its assets, while indebtedness of the district is outstanding, or while the district is
182 insolvent, in receivership or under the jurisdiction of the bankruptcy court.

183 Prior to submitting the question to abolish the district to a vote of the entire district, the state
184 auditor shall audit the district to determine the financial status of the district, and whether the
185 district may be abolished pursuant to law. The vote on the abolition of the district shall be
186 conducted by the municipal clerk of the city, town, or village in which the district is located. The
187 procedure shall be the same as in section 67.2520, except that the question shall be determined
188 by the qualified voters of the entire district. No individual subdistrict may be abolished, except
189 at such time as the district is abolished.

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

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

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

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

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

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

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

210 **12. Except as modified in this section, all provisions of sections 32.085 and 32.087**
211 **shall apply to the tax imposed under this section.**

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body
2 of any home rule city with more than one hundred fifty-one thousand five hundred but less than
3 one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order

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

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

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

21 YES NO

22
 23 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 24 of the question, then the tax shall become effective on the first day of the second calendar quarter
 25 after the director of revenue receives notice of the adoption of the sales tax. If a majority of the
 26 votes cast on the question by the qualified voters voting thereon are opposed to the question, then
 27 the tax shall not become effective unless and until the question is resubmitted under this section
 28 to the qualified voters and such question is approved by a majority of the qualified voters voting
 29 on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner
 30 than twelve months from the date of the proposal under this section.

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

38 4. The director of revenue may authorize the state treasurer to make refunds from the
 39 amounts in the trust fund and credited to any city for erroneous payments and overpayments

40 made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any
 41 city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days
 42 before the effective date of the repeal, and the director of revenue may order retention in the trust
 43 fund, for a period of one year, of two percent of the amount collected after receipt of such notice
 44 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
 45 deposited to the credit of such accounts. After one year has elapsed after the effective date of
 46 abolition of the tax in such city, the director of revenue shall remit the balance in the account to
 47 the city and close the account of that city. The director of revenue shall notify each city of each
 48 instance of any amount refunded.

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

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

54 YES NO

55

56 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 57 effective on December thirty-first of the calendar year in which such repeal was approved. If a
 58 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 59 the repeal, then the sales tax authorized in this section shall remain effective until the question
 60 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
 61 of the qualified voters voting on the question. **Effective January 1, 2012, if the city or county**
 62 **abolishes the tax, the city or county shall notify the director of revenue of the action at least**
 63 **one hundred twenty days before the effective date of the repeal.**

64 6. Whenever the governing body of any city that has adopted the sales tax authorized in
 65 this section receives a petition, signed by ten percent of the registered voters of the city voting
 66 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
 67 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
 68 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 69 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
 70 which such repeal was approved. If a majority of the votes cast on the question by the qualified
 71 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
 72 question is resubmitted under this section to the qualified voters and the repeal is approved by
 73 a majority of the qualified voters voting on the question.

74 7. **Except as modified in this section, all provisions of section 32.085 and 32.087**
 75 **apply to the sales tax imposed under this section.**

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

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

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

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

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

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

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

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

15 YES NO

16
17 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county
18 or city not within a county on the proposal by the qualified voters voting thereon are in favor of
19 the proposal, then the tax shall go into effect on the first day of the [next] **second** calendar
20 quarter beginning after [its adoption and notice to] the director of revenue[, but no sooner than
21 thirty days after such adoption and notice] **receives notice of adoption of the local sales tax.**
22 If a majority of the votes cast in that county or city not within a county by the qualified voters
23 voting are opposed to the proposal, then the additional sales tax shall not be imposed in that
24 county or city not within a county unless and until the governing body of that county or city not
25 within a county shall have submitted another proposal to authorize the local option transportation
26 sales tax authorized in this section, and such proposal is approved by a majority of the qualified
27 voters voting on it. In no event shall a proposal pursuant to this section be submitted to the
28 voters sooner than twelve months from the date of the last proposal.

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

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

36 6. All sales taxes collected by the director of revenue under this section on behalf of any
37 city or county, less one percent for cost of collection which shall be deposited in the state's
38 general revenue fund after payment of premiums for surety bonds, shall be deposited with the
39 state treasurer in a special trust fund, which is hereby created, to be known as the "County Public
40 Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087.
41 The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled
42 with any funds of the state. The director of revenue shall keep accurate records of the amount
43 of money in the trust fund which was collected in each city or county approving a sales tax under
44 this section, and the records shall be open to inspection by officers of the city or county and the
45 public. Not later than the tenth day of each month the director of revenue shall distribute all
46 moneys deposited in the trust fund during the preceding month to the city or county which levied
47 the tax, and such funds shall be deposited with the treasurer of each such city or county and all

48 expenditures of funds arising from the county public transit sales tax trust fund shall be by an
49 appropriation act to be enacted by the governing body of each such county or city not within a
50 county.

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

54 8. The director of revenue may authorize the state treasurer to make refunds from the
55 amount in the trust fund and credited to any city or county for erroneous payments and
56 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
57 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
58 director of revenue of the action at least ninety days prior to the effective date of the repeal and
59 the director of revenue may order retention in the trust fund, for a period of one year, of two
60 percent of the amount collected after receipt of such notice to cover possible refunds or
61 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
62 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
63 city or county, the director of revenue shall authorize the state treasurer to remit the balance in
64 the account to the city or county and close the account of that city or county. The director of
65 revenue shall notify each city or county of each instance of any amount refunded or any check
66 redeemed from receipts due the city or county.

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

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

15 Shall the city of (city's name) impose a sales tax of
16 (insert amount) for transportation purposes?

17 YES NO

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

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

22 Shall the city of (city's name) issue bonds in the amount of
23 (insert amount) for transportation purposes and impose a sales tax of
24 (insert amount) to repay such bonds?

25 YES NO

26

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

29

30 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by
31 the qualified voters voting thereon are in favor of the proposal, then the ordinance and any
32 amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by
33 the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision
34 (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified
35 voters voting thereon are in favor of the proposal, then the ordinance and any amendments
36 thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in
37 subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the
38 proposal, then the council or other governing body of the city shall have no power to impose the
39 tax authorized in subdivision (1) of this subsection unless and until the council or other
40 governing body of the city submits another proposal to authorize the council or other governing
41 body of the city to impose the tax and such proposal is approved by a majority of the qualified
42 voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting
43 thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue
44 bonds and impose a sales tax to retire such bonds, then the council or other governing body of
45 the city shall have no power to issue any bonds or to impose the tax authorized in subdivision
46 (2) of this subsection unless and until the council or other governing body of the city submits
47 another proposal to authorize the council or other governing body of the city to issue such bonds
48 or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the
49 qualified voters voting thereon.

50 2. No incorporated municipality located wholly or partially within any first class county
51 operating under a charter form of government and having a population of over nine hundred
52 thousand inhabitants shall impose such a sales tax for that part of the city, town or village that

53 is located within such first class county, in the event such a first class county imposes a sales tax
54 under the provisions of sections 94.600 to 94.655.

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

59 4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter
60 be changed or altered, the city clerk shall forward to the director of revenue by United States
61 registered mail or certified mail a certified copy of the ordinance adding or detaching territory
62 from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied
63 by a map of the city clearly showing the territory added thereto or detached therefrom. Upon
64 receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective
65 in the added territory or abolished in the detached territory on the effective date of the change
66 of the city boundary.

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

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

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

7 (2) **"Bundled transaction", the retail sale of two or more products, except real**
8 **property and services to real property, where the products are otherwise distinct and**
9 **identifiable, and the products are sold for one nonitemized price. A "bundled transaction"**
10 **does not include the sale of any products in which the sales price varies or is negotiable**
11 **based on the selection by the purchaser of the products included in the transaction.**
12 **"Distinct and identifiable products" does not include:**

13 (a) **Packaging, such as containers, boxes, sacks, bags, bottles, or other materials**
14 **such as wrapping, labels, tags, and instruction guides that accompany the retail sale of the**
15 **products and are incidental or immaterial to the retail sale thereof. Examples of packaging**
16 **that are incidental or immaterial include grocery sacks, shoe boxes, dry cleaning garment**
17 **bags, and express delivery envelopes and boxes;**

18 (b) **A product provided free of charge with the required purchase of another**
19 **product. A product is provided free of charge if the sales price of the product purchased**
20 **does not vary depending on the inclusion of the product provided free of charge;**

21 (c) Items included in the member state's definition of sales price, under appendix
22 C of the agreement. The term "one nonitemized price" does not include a price that is
23 separately identified by product on binding sales or other supporting sales-related
24 documentation made available to the customer in paper or electronic form including, but
25 not limited to, an invoice, bill of sale, receipt, contract, service agreement, lease agreement,
26 periodic notice of rates and services, rate card, or price list. A transaction that otherwise
27 meets the definition of a bundled transaction as defined in this subdivision is not a bundled
28 transaction if it is:

29 a. The retail sale of tangible personal property and a service where the tangible
30 personal property is essential to the use of the service, and is provided exclusively in
31 connection with the service, and the true object of the transaction is the service; or

32 b. The retail sale of services where one service is provided that is essential to the use
33 of receipt of a second service and the first service is provided exclusively in connection with
34 the second service and the true object of the transaction is the second service; or

35 c. A transaction that includes taxable products and nontaxable products and the
36 purchase price or sales price of the taxable products is de minimis. "De minimis" means
37 the seller's purchase price or sales price of the taxable products is ten percent or less of the
38 total purchase price or sales price of the bundled products.

39

40 Sellers shall use either the purchase price or the sales price of the products to determine
41 if the taxable products are de minimis. Sellers shall not use a combination of the purchase
42 price and sales price of the products to determine if the taxable products are de minimis.
43 Sellers shall use the full term of a service contract to determine if the taxable products are
44 de minimis; or

45 d. The retail sale of exempt tangible personal property and taxable tangible
46 personal property where:

47 (i) The transaction included food and food ingredients, drugs, durable medical
48 equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, all
49 as defined in appendix C, or medical supplies; and

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

55 (3) "Business" includes any activity engaged in by any person, or caused to be engaged
56 in by him, with the object of gain, benefit or advantage, either direct or indirect, and the

57 classification of which business is of such character as to be subject to the terms of sections
58 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service,
59 substance, or thing, by a person not engaged in such business, does not constitute engaging in
60 business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross
61 receipts from such sales, exclusive of receipts from the sale of tangible personal property by
62 persons which property is sold in the course of the partial or complete liquidation of a household,
63 farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The
64 provisions of this subdivision shall not be construed to make any sale of property which is
65 exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

66 [(3)] (4) "Captive wildlife", includes but is not limited to exotic partridges, gray
67 partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed
68 deer, captive elk, and captive furbearers held under permit issued by the Missouri department of
69 conservation for hunting purposes. The provisions of this subdivision shall not apply to sales
70 tax on a harvested animal;

71 [(4)] (5) "**Delivery charges**", **charges by the seller of personal property or services**
72 **for preparation and delivery to a location designated by the purchaser of personal**
73 **property or services including, but not limited to, transportation, shipping, postage,**
74 **handling, crating, and packing;**

75 (6) "Gross receipts", except as provided in section 144.012, means the total amount of
76 the sale price of the sales at retail including any services other than charges incident to the
77 extension of credit that are a part of such sales made by the businesses herein referred to, capable
78 of being valued in money, whether received in money or otherwise; except that, the term "gross
79 receipts" shall not include the sale price of property returned by customers when the full sale
80 price thereof is refunded either in cash or by credit. In determining any tax due under sections
81 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be
82 specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the
83 sale price above mentioned shall be deemed to be the amount received. It shall also include the
84 lease or rental consideration where the right to continuous possession or use of any article of
85 tangible personal property is granted under a lease or contract and such transfer of possession
86 would be taxable if outright sale were made and, in such cases, the same shall be taxable as if
87 outright sale were made and considered as a sale of such article, and the tax shall be computed
88 and paid by the lessee upon the rentals paid;

89 [(5)] (7) "**Lease or rental**", **any transfer of possession or control of tangible**
90 **personal property for a fixed or indeterminate term for consideration. A lease or rental**
91 **may include future options to purchase or extend;**

92 (a) **Lease or rental does not include:**

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

96 **b. A transfer or possession or control of property under an agreement that requires**
97 **the transfer of title upon completion of required payments and payment of an option price**
98 **does not exceed the greater of one hundred dollars or one percent of the total required**
99 **payments; or**

100 **c. Providing tangible personal property along with an operator for a fixed or**
101 **indeterminate period of time. A condition of this exclusion is that the operator is necessary**
102 **for the equipment to perform as designed. For the purpose of this subsection, an operator**
103 **shall do more than maintain, inspect, or set-up the tangible personal property;**

104 **(b) Lease or rental does include agreements covering motor vehicles and trailers**
105 **where the amount of consideration may be increased or decreased by reference to the**
106 **amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section**
107 **7701(h)(1), as amended;**

108 **(c) This definition shall be used for sales and use tax purposes regardless of**
109 **whether a transaction is characterized as a lease or rental under generally accepted**
110 **accounting principles, the Internal Revenue Code of 1986, as amended, the Missouri**
111 **revised statutes, or other provisions of federal, state, or local law;**

112 **(d) This definition shall be applied only prospectively from the date of adoption and**
113 **will have no retroactive impact on existing leases or rentals;**

114 **(8) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,**
115 **ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk**
116 **documented as obtained from a legal source and not from the wild, goats, horses, other equine,**
117 **or rabbits raised in confinement for human consumption;**

118 **[(6)] (9) "Motor vehicle leasing company" [shall be] , a company obtaining a permit from**
119 **the director of revenue to operate as a motor vehicle leasing company. Not all persons renting**
120 **or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to**
121 **obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section**
122 **144.070, as hereinafter provided;**

123 **[(7)] (10) "Person" [includes] , any individual, firm, copartnership, joint adventure,**
124 **association, corporation, municipal or private, and whether organized for profit or not, state,**
125 **county, political subdivision, state department, commission, board, bureau or agency, except the**
126 **state transportation department, estate, trust, business trust, receiver or trustee appointed by the**
127 **state or federal court, syndicate, or any other group or combination acting as a unit, and the plural**
128 **as well as the singular number;**

129 [(8)] (11) **"Product that is intended to be sold ultimately for final use or**
130 **consumption", tangible personal property, or any service that is subject to state or local**
131 **sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or**
132 **any other state;**

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

135 (13) "Purchaser" [means] , a person who purchases tangible personal property or to
136 whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

137 [(9)] (14) "Research or experimentation activities" [are] , the development of an
138 experimental or pilot model, plant process, formula, invention or similar property, and the
139 improvement of existing property of such type. Research or experimentation activities do not
140 include activities such as ordinary testing or inspection of materials or products for quality
141 control, efficiency surveys, advertising promotions or research in connection with literary,
142 historical or similar projects;

143 [(10)] (15) "Sale" or "sales" includes installment and credit sales, and the exchange of
144 properties as well as the sale thereof for money, every closed transaction constituting a sale, and
145 means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means
146 whatsoever, of tangible personal property for valuable consideration and the rendering,
147 furnishing or selling for a valuable consideration any of the substances, things and services
148 herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

149 [(11)] (16) "Sale at retail" [means any transfer made by any person engaged in business
150 as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for
151 use or consumption and not for resale in any form as tangible personal property, for a valuable
152 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
153 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,
154 optometrists and veterinarians and used in the practice of their professions shall be deemed to
155 be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,
156 computer output or microfilm or microfiche and computer-assisted photo compositions to a
157 purchaser to enable the purchaser to obtain for his or her own use the desired information
158 contained in such computer printouts, computer output on microfilm or microfiche and
159 computer-assisted photo compositions shall be considered as the sale of a service and not as the
160 sale of tangible personal property] , **any sale, lease, or rental for any purpose other than for**
161 **resale, sublease, or subrent. Purchases of tangible personal property made by duly**
162 **licensed physicians, dentists, optometrists, and veterinarians and used in the practice of**
163 **their professions shall be deemed to be purchases for use or consumption and not for**

164 **resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax
165 imposed thereby, the term "sale at retail" shall be construed to embrace:

166 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of
167 amusement, entertainment and recreation, games and athletic events;

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

170 (c) Sales of local and long distance telecommunications service to telecommunications
171 subscribers and to others through equipment of telecommunications subscribers for the
172 transmission of messages and conversations, and the sale, rental or leasing of all equipment or
173 services pertaining or incidental thereto;

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

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

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

182 [(12)] (17) **"Sales price", applies to the measure subject to sales tax and means the**
183 **total amount of consideration, including cash, credit, property, and services, for which**
184 **personal property or services are sold, leased, or rented, valued in money, whether received**
185 **in money or otherwise, without any deduction for the following:**

186 (a) **The seller's cost of the property sold;**

187 (b) **The cost of materials used, labor or service cost, interest, losses, all costs of**
188 **transportation to the seller, all taxes imposed on the seller, and any other expense of the**
189 **seller;**

190 (c) **Charges by the seller for any services necessary to complete the sale, other than**
191 **delivery and installation charges;**

192 (d) **Delivery charges;**

193 (e) **Installation charges; and**

194 (f) **Credit for any trade-in, as determined by state law;**

195 (18) **"Seller" [means] , a person selling or furnishing tangible personal property or**
196 **rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;**

197 [(13)] (19) **"Tangible personal property", personal property that can be seen,**
198 **weighed, measured, felt, or touched, or that is in any other manner perceptible to the**

199 senses. **"Tangible personal property" includes electricity, water, gas, steam, and**
200 **prewritten computer software;**

201 (20) The noun "tax" means either the tax payable by the purchaser of a commodity or
202 service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities
203 or services during the period for which he or she is required to report his or her collections, as
204 the context may require;

205 [(14)] (21) (a) **Before January 1, 2012, "telecommunications service" means,** for the
206 purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial
207 cable, electronic impulses, or other similar means. As used in this definition, "information"
208 means knowledge or intelligence represented by any form of writing, signs, signals, pictures,
209 sounds, or any other symbols. Telecommunications service does not include the following if
210 such services are separately stated on the customer's bill or on records of the seller maintained
211 in the ordinary course of business:

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

214 (b) Answering services and one-way paging services;

215 (c) Private mobile radio services which are not two-way commercial mobile radio
216 services such as wireless telephone, personal communications services or enhanced specialized
217 mobile radio services as defined pursuant to federal law; [or]

218 (d) Cable or satellite television or music services; [and

219 (15) "Product which is intended to be sold ultimately for final use or consumption"
220 means tangible personal property, or any service that is subject to state or local sales or use taxes,
221 or any tax that is substantially equivalent thereto, in this state or any other state.]

222 (b) **Beginning January 1, 2012, "telecommunications service" means:**

223 a. **"Air-to-ground radiotelephone service", a radio service, as that term is defined**
224 **in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio**
225 **telecommunications service for hire to subscribers in aircraft;**

226 b. **"Ancillary services", services that are associated with or incidental to the**
227 **provisions of telecommunications services, including but not limited to, detailed**
228 **telecommunications billing, directory assistance, vertical service, and voice mail services;**

229 c. **"Call-by-call basis", any method of charging for telecommunications services**
230 **where the price is measured by individual calls;**

231 d. **"Communications channel", a physical or virtual path of communications over**
232 **which signals are transmitted between or among customer channel termination points;**

233 e. **"Customer", the person or entity that contracts with the seller of**
234 **telecommunications services. If the end user of telecommunications services is not the**

235 **contracting party, the end user of the telecommunications service is the customer of the**
236 **telecommunication service, but this subparagraph only applies to the purpose of sourcing**
237 **sales of telecommunications under chapter 314. "Customer" does not include a reseller**
238 **of telecommunications service or for mobile telecommunications service of a serving carrier**
239 **under an agreement to serve the customer outside the home service provider's licensed**
240 **service area;**

241 **f. "Customer channel termination point", the location where the customer either**
242 **inputs or receives the communication;**

243 **g. "End user", the person who utilizes the telecommunication service. In case of**
244 **an entity, "end user" means the individual who utilizes the service on behalf of the entity;**

245 **h. "Home service provider", the same as that term is defined in Section 124(5) of**
246 **Public Law 106-252, Mobile Telecommunications Sourcing Act;**

247 **i. "Mobile telecommunications service", the same as that term is defined in Section**
248 **124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;**

249 **j. "Place of primary use", the street address representative of where the customer's**
250 **use of the telecommunications service primarily occurs, which shall be the residential street**
251 **address or the primary business street address of the customer. In Streamlined Sales and**
252 **Use Tax Agreement, Page 29, January 13, 2006, the case of mobile telecommunications**
253 **services, place of primary use shall be within the licensed service area of the home service**
254 **provider;**

255 **k. "Post-paid calling service", the telecommunications service obtained by making**
256 **a payment on a call-by-call basis either through the use of a credit card or payment**
257 **mechanism such as a bank card, travel card, credit card, or debit card, or by charge made**
258 **to a telephone number which is not associated with the origination or termination of the**
259 **telecommunications service. A post-paid calling service includes a telecommunications**
260 **service, except a prepaid wireless calling service, that would be a prepaid calling service**
261 **except it is not exclusively a telecommunications service;**

262 **l. "Prepaid calling service", the right to access exclusively telecommunications**
263 **services, which shall be paid for in advance and which enables the origination of calls using**
264 **an access number or authorization code, whether manually or electronically dialed, and**
265 **that is sold in predetermined units or dollars of which the number declines with use in a**
266 **known amount;**

267 **m. "Prepaid wireless calling service", a telecommunications service that provides**
268 **the right to utilize mobile wireless services as well as other nontelecommunications services,**
269 **including the download of digital products delivered electronically, content and ancillary**

270 services, which shall be paid for in advance that is sold in predetermined units or dollars
271 of which the number declines with use in a known amount;

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

278 o. "Service address":

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

282 (ii) If the location in subparagraph n. of this paragraph is not known, "service
283 address" means the origination point of the signal of the telecommunications services first
284 identified in either the seller's telecommunications system or in information received by the
285 seller from its service provider, where the system used to transport such signals is not that
286 of the seller;

287 (iii) If the location in subparagraph n. of this paragraph is not known, "service
288 address" means the location of the customer's place of primary use;

289 p. "Telecommunications service", the electronic transmission, conveyance, or
290 routing of voice, data, audio, video, or any other information or signals to a point, or
291 between or among points. The term "telecommunications service" includes such
292 transmission, conveyance, or routing in which computer processing applications are used
293 to act on the form, code, or protocol of the content for purposes of transmission,
294 conveyance, or routing without regard to whether such service is referred to as voice over
295 internet protocol services or is classified by the Federal Communications Commission as
296 enhanced or value added. "Telecommunications service" does not include:

297 (i) Data processing and information services that allow data to be generated,
298 acquired, stored, processed, or retrieved and delivered by an electronic transmission to a
299 purchaser where such purchaser's primary purpose for the underlying transaction is the
300 processed data or information;

301 (ii) Installation or maintenance of wiring or equipment on a customer's premises;

302 (iii) Tangible personal property;

303 (iv) Advertising, including but not limited to directory advertising;

304 (v) Billing and collection services provided to third parties;

305 (vi) Internet access service;

306 (vii) **Radio and television audio and video programming services, regardless of the**
307 **medium, including the furnishing of transmission, conveyance, and routing of such services**
308 **by the programming service provider. Radio and television audio and video programming**
309 **services shall include but not be limited to cable service as defined in 47 U.S.C. Section**
310 **522(6) and audio and video programming services delivered by commercial mobile radio**
311 **service providers, as defined in 47 CFR 20.3;**

312 (viii) **Ancillary services; or**

313 (ix) **Digital products delivered electronically, including, but not limited to, software,**
314 **music, video, reading materials, or ring tones.**

315 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
316 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections
317 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning
318 given it in section 700.010.

319 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

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

6 2. For the purposes of this section, the term "food" shall include only [those products and
7 types of food for which food stamps may be redeemed pursuant to the provisions of the Federal
8 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it
9 may be amended hereafter, and shall include food dispensed by or through vending machines]
10 **food and food ingredients; food sold through vending machines; and prepared food sold**
11 **in an unheated state by weight or volume as a single item without eating utensils, food sold**
12 **by a seller whose proper primary NAICS classification is manufacturing in sector 311 and**
13 **bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts,**
14 **danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas. For purposes of this**
15 **section, the term "food and food ingredients" means substances, whether in liquid,**
16 **concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or**
17 **chewing by humans and are consumed for their taste or nutritional value. "Food and food**
18 **ingredients" does not include alcoholic beverages, tobacco, or dietary supplements. For**
19 **purposes of this section, the term "food sold through vending machines" means food**
20 **dispensed from a machine or other mechanical device that accepts payment. "Prepared**
21 **food" means food sold in a heated state or heated by the seller; two or more food**
22 **ingredients mixed or combined by the seller for sale as a single item; or food sold with**

23 eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups,
24 napkins, or straws. A plate does not include a container or packaging used to transport
25 the food. "Prepared food" does not include food that is only cut, repackaged, or
26 pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw
27 animal foods requiring cooking by the consumer as recommended by the Food and Drug
28 Administration in chapter 3, part 401.11 of its Food Code so as to prevent food borne
29 illnesses. "Alcoholic beverages" means beverages that are suitable for human consumption
30 and contain one-half of one percent or more of alcohol by volume. "Dietary supplement"
31 means any product, other than tobacco, intended to supplement the diet that contains one
32 or more of the following dietary ingredients: a vitamin; a mineral; an herb or other
33 botanical; an amino acid; a dietary substance for use by humans to supplement the diet by
34 increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or
35 combination of any ingredient described above; and that is intended for ingestion in tablet,
36 capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a
37 form, is not represented as a conventional food and is not represented for use as a sole item
38 of a meal or of the diet; and that is required to be labeled as a dietary supplement,
39 identifiable by the supplemental facts box found on the label and as required under 21
40 CFR 101.36. "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other
41 item that contains tobacco. For the purpose of this section, except for vending machine sales,
42 the term "food" shall not include food or drink sold by any establishment where the gross receipts
43 derived from the sale of food prepared by such establishment for immediate consumption on or
44 off the premises of the establishment constitutes more than eighty percent of the total gross
45 receipts of that establishment, regardless of whether such prepared food is consumed on the
46 premises of that establishment, including, but not limited to, sales of food by any restaurant, fast
47 food restaurant, delicatessen, eating house, or café.

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

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

12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

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

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

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

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered

48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
50 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
51 within a manufacturing process or the use of a product previously recovered. The material
52 recovery processing plant shall qualify under the provisions of this section regardless of
53 ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

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

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

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

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

68 (10) Pumping machinery and equipment used to propel products delivered by pipelines
69 engaged as common carriers;

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

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200. There
81 shall be a rebuttable presumption that the raw materials used in the primary manufacture of
82 automobiles contain at least twenty-five percent recovered materials. For purposes of this
83 subdivision, "processing" means any mode of treatment, act or series of acts performed upon

84 materials to transform and reduce them to a different state or thing, including treatment necessary
85 to maintain or preserve such processing by the producer at the production facility;

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

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

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

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

97 (17) All amounts paid or charged for admission or participation or other fees paid by or
98 other charges to individuals in or for any place of amusement, entertainment or recreation, games
99 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
100 municipality or other political subdivision where all the proceeds derived therefrom benefit the
101 municipality or other political subdivision and do not inure to any private person, firm, or
102 corporation;

103 (18) All sales of insulin and [prosthetic or] orthopedic devices as defined on January 1,
104 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
105 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
106 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
107 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
108 administer those items, including samples and materials used to manufacture samples which may
109 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
110 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
111 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
112 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
113 one or more physical or mental disabilities to enable them to function more independently, all
114 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
115 alternative and augmentative communication devices, and items used solely to modify motor
116 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
117 over-the-counter or nonprescription drugs to individuals with disabilities, **except grooming or**
118 **hygiene products, to individuals with disabilities, and all sales of prosthetic devices,** and
119 drugs required by the Food and Drug Administration to meet the over-the-counter drug product

120 labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care
121 practitioner licensed to prescribe. **For purposes of this section, "prosthetic device" means**
122 **a replacement, corrective, or supportive device including repair and replacement parts for**
123 **same worn on or in the body to: artificially replace a missing portion of the body; prevent**
124 **or correct physical deformity or malfunction; or support a weak or deformed portion of**
125 **the body. "Prosthetic device" does not include corrective eyeglasses or contact lenses. For**
126 **purposes of this section, "drug" means a compound, substance, or preparation, and any**
127 **component of a compound, substance, or preparation, other than food and food**
128 **ingredients, dietary supplements, or alcoholic beverages: recognized in the official United**
129 **States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or**
130 **official National Formulary, and supplement to any of them; or intended for use in the**
131 **diagnosis, cure, mitigation, treatment, or prevention of disease; or intended to affect the**
132 **structure or any function of the body. For purposes of this section, "prescription" means**
133 **an order, formula, or recipe issued in any form of oral, written, electronic, or other means**
134 **of transmission by a duly licensed practitioner authorized by the laws of this state. For**
135 **purposes of this section, "over-the-counter-drug" means a drug that contains a label that**
136 **identifies the product as a drug as required by 21 CFR 201.66. The over-the-counter-drug**
137 **label includes: a drug facts panel; or a statement of the active ingredients with a list of**
138 **those ingredients contained in the compound, substance, or preparation. Over-the-**
139 **counter-drug does not include grooming and hygiene products. "Grooming and hygiene**
140 **products" are soaps and cleaning solutions, shampoo, toothpaste, mouthwash,**
141 **antiperspirants, and suntan lotions and screens, regardless of whether the items meet the**
142 **definition of over-the-counter-drugs;**

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

147 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
148 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
149 including fraternal organizations which have been declared tax-exempt organizations pursuant
150 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
151 charitable functions and activities and all sales made to eleemosynary and penal institutions and
152 industries of the state, and all sales made to any private not-for-profit institution of higher
153 education not otherwise excluded pursuant to subdivision (19) of this subsection or any
154 institution of higher education supported by public funds, and all sales made to a state relief
155 agency in the exercise of relief functions and activities;

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

163 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
164 of feed additives, medications or vaccines administered to livestock or poultry in the production
165 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
166 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
167 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
168 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
169 defined in section 142.028, natural gas, propane, and electricity used by an eligible new
170 generation cooperative or an eligible new generation processing entity as defined in section
171 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
172 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
173 additives" means tangible personal property which, when mixed with feed for livestock or
174 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
175 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
176 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
177 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
178 used in this subdivision, the term "farm machinery and equipment" means new or used farm
179 tractors and such other new or used farm machinery and equipment and repair or replacement
180 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
181 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
182 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
183 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
184 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 185 (a) Used exclusively for agricultural purposes;
- 186 (b) Used on land owned or leased for the purpose of producing farm products; and
- 187 (c) Used directly in producing farm products to be sold ultimately in processed form or
188 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
189 ultimately in processed form at retail;

190 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
191 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil

192 for domestic use and in any city not within a county, all sales of metered or unmetered water
193 service for domestic use:

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

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

212 (c) Each person making domestic use purchases of services or property and who uses any
213 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
214 of the fourth month following the year of purchase, and without assessment, notice or demand,
215 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
216 nondomestic purchases of services or property and who uses any portion of the services or
217 property so purchased for domestic use, and each person making domestic purchases on behalf
218 of occupants of residential apartments or condominiums through a single or master meter,
219 including service for common areas and facilities and vacant units, under a nonresidential utility
220 service rate classification may, between the first day of the first month and the fifteenth day of
221 the fourth month following the year of purchase, apply for credit or refund to the director of
222 revenue and the director shall give credit or make refund for taxes paid on the domestic use
223 portion of the purchase. The person making such purchases on behalf of occupants of residential
224 apartments or condominiums shall have standing to apply to the director of revenue for such
225 credit or refund;

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

229 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
230 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
231 revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes
232 on such excise taxes;

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

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

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

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

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

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

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

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

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

260 (35) All sales of feed which are developed for and used in the feeding of pets owned by
261 a commercial breeder when such sales are made to a commercial breeder, as defined in section
262 273.325, and licensed pursuant to sections 273.325 to 273.357;

263 (36) All purchases by a contractor on behalf of an entity located in another state,
264 provided that the entity is authorized to issue a certificate of exemption for purchases to a
265 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
266 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
267 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
268 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
269 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
270 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
271 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
272 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
273 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
274 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
275 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
276 or remodeling facilities for the following:

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

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

282 (37) All sales or other transfers of tangible personal property to a lessor who leases the
283 property under a lease of one year or longer executed or in effect at the time of the sale or other
284 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
285 238.010 to 238.100;

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

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

295 (40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
296 parts, and equipment purchased for use directly upon, and for the modification, replacement,
297 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

298 (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or
299 similar places of business for use in the normal course of business and money received by a
300 shooting range or similar places of business from patrons and held by a shooting range or similar
301 place of business for redistribution to patrons at the conclusion of a shooting event.

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

2 (1) "Clothing", [any article of wearing apparel, including footwear, intended to be worn
3 on or about the human body. The term shall include but not be limited to cloth and other
4 material used to make school uniforms or other school clothing. Items normally sold in pairs
5 shall not be separated to qualify for the exemption. The term shall not include watches,
6 watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt
7 buckles; and] **all human wearing apparel suitable for general use. The following list**
8 **contains examples and is not intended to be an all-inclusive list:**

9 (a) **"Clothing" shall include:**

10 **a. Aprons, household and shop;**

11 **b. Athletic supporters;**

12 **c. Baby receiving blankets;**

13 **d. Bathing suits and caps;**

14 **e. Beach capes and coats;**

15 **f. Boots;**

16 **g. Coats and jackets;**

17 **h. Costumes;**

18 **i. Diapers, children and adult, including disposable diapers;**

19 **j. Ear muffs;**

20 **k. Footlets;**

21 **l. Formal wear;**

22 **m. Garters and garter belts;**

23 **n. Gloves and mittens for general use;**

24 **o. Hats and caps;**

25 **p. Hosiery;**

26 **q. Insoles for shoes;**

27 **r. Lab coats;**

28 **s. Neckties;**

29 **t. Overshoes;**

- 30 **u. Pantyhose;**
31 **v. Rainwear;**
32 **w. Rubber pants;**
33 **x. Sandals;**
34 **y. Scarves;**
35 **z. Shoes and shoe laces;**
36 **aa. Slippers;**
37 **bb. Sneakers;**
38 **cc. Socks and stockings;**
39 **dd. Steel-toed shoes;**
40 **ee. Underwear;**
41 **ff. Uniforms, athletic and non-athletic; and**
42 **gg. Wedding apparel;**
43 **(b) Clothing shall not include:**
44 **a. Belt buckles sold separately;**
45 **b. Costume masks sold separately;**
46 **c. Patches and emblems sold separately;**
47 **d. Sewing equipment and supplies, including but not limited to, knitting needles,**
48 **patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**
49 **e. Sewing materials that become part of "clothing" including, but not limited to,**
50 **buttons, fabric, lace, thread, yarn, and zippers;**
51 (2) "Personal computers", a laptop, desktop, or tower computer system which consists
52 of a central processing unit, random access memory, a storage drive, a display monitor, and a
53 keyboard and devices designed for use in conjunction with a personal computer, such as a disk
54 drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone,
55 modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware,
56 single-user operating system, soundcard, or video card;
57 (3) "School supplies", [any item normally used by students in a standard classroom for
58 educational purposes, including but not limited to textbooks, notebooks, paper, writing
59 instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk,
60 maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting
61 equipment, portable or desktop telephones, copiers or other office equipment, furniture, or
62 fixtures. School supplies shall also include computer software having a taxable value of three
63 hundred fifty dollars or less] **an item commonly used by a student in a course of study. The**
64 **following is an all-inclusive list:**
65 **(a) Binders;**

- 66 **(b) Blackboard chalk;**
67 **(c) Book bags;**
68 **(d) Calculators;**
69 **(e) Cellophane tape;**
70 **(f) Compasses;**
71 **(g) Composition books;**
72 **(h) Crayons;**
73 **(i) Erasers;**
74 **(j) Folders, expandable, pocket, plastic, and manila;**
75 **(k) Glue, paste, and paste sticks;**
76 **(l) Highlighters;**
77 **(m) Index cards;**
78 **(n) Index card boxes;**
79 **(o) Legal pads;**
80 **(p) Lunch boxes;**
81 **(q) Markers;**
82 **(r) Notebooks;**
83 **(s) Paper, loose leaf ruled notebook paper, copy paper, graph paper, tracing paper,**
84 **manila paper, colored paper, poster board, and construction paper;**
85 **(t) Pencil boxes and other school supply boxes;**
86 **(u) Pencil sharpeners;**
87 **(v) Pencils;**
88 **(w) Pens;**
89 **(x) Protractors;**
90 **(y) School art supply. School art supply is an item commonly used by a student in**
91 **a course of study for artwork. The following is an all-inclusive list:**
92 **a. Clay and glazes;**
93 **b. Paints, acrylic, tempera, and oil;**
94 **c. Paintbrushes for artwork;**
95 **d. Sketch and drawing pads;**
96 **e. Watercolors;**
97 **(z) School instructional material. School instructional material is written material**
98 **commonly used by a student in a course of study as a reference and to learn the subject**
99 **being taught. The following is an all-inclusive list:**
100 **a. Reference books;**
101 **b. Reference maps and globes;**

- 102 **c. Textbooks; and**
103 **d. Workbooks;**
104 **(aa) School computer supply. School computer supply is an item commonly used**
105 **by a student in a course of study in which a computer is used. The following is an all-**
106 **inclusive list:**
107 **a. Computer printers and printer supplies for computers, printer paper, and**
108 **printer ink;**
109 **b. Computer storage media, diskettes, compact disks ;**
110 **c. Handheld electronic schedulers, except devices that are cellular phones; and**
111 **d. Personal digital assistants, except devices that are cellular phones;**
112 **(bb) Scissors;**
113 **(cc) Writing tablets.**
114 2. In each year beginning on or after January 1, 2005, there is hereby specifically
115 exempted from state sales tax law all retail sales of any article of clothing having a taxable value
116 of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per
117 purchase, all computer software with a taxable value of three hundred fifty dollars or less, and
118 all retail sales of personal computers or computer peripheral devices not to exceed three thousand
119 five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in
120 August and ending at midnight on the Sunday following.
121 3. [If the governing body of any political subdivision adopted an ordinance that applied
122 to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax
123 holiday to apply to such political subdivision's local sales tax, then, notwithstanding any
124 provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such
125 political subdivision's local sales tax. However, any such political subdivision may enact an
126 ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political
127 subdivision must notify the department of revenue not less than forty-five calendar days prior
128 to the beginning date of the sales tax holiday occurring in that year of any ordinance or order
129 rescinding an ordinance or order to opt out.
130 4.] This section shall not apply to any sales which take place within the Missouri state
131 fairgrounds.
132 [5.] **4.** This section applies to sales of items bought for personal use only.
133 [6. After the 2005 sales tax holiday, any political subdivision may, by adopting an
134 ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local
135 sales tax. After opting out, the political subdivision may rescind the ordinance or order. The
136 political subdivision must notify the department of revenue not less than forty-five calendar days

137 prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or
138 order rescinding an ordinance or order to opt out.

139 7. This section may not apply to any retailer when less than two percent of the retailer's
140 merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales
141 tax refund in lieu of the sales tax holiday.]

144.100. 1. Every person making any taxable sales of property or service, except
2 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized
3 officer or agent, shall make and file a written return with the director of revenue in such manner
4 as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by the director of the
6 department of revenue and shall be filed at the times provided in sections 144.080 and 144.090.
7 The returns shall show the amount of gross receipts from sales of taxable property and services
8 by the person and the amount of tax due thereon by that person during and for the period covered
9 by the return. With each return, the person shall remit to the director of revenue the full amount
10 of the tax due.

11 3. In case of charge and time sales the gross receipts thereof shall be included as sales
12 in the returns as and when payments are received by the person, without any deduction therefrom
13 whatsoever.

14 4. If an error or omission is discovered in a return or a change be necessary to show the
15 true facts, the error may be corrected, the omission supplied, or the change made in the return
16 next filed with the director for the filing period immediately following the filing period in which
17 the error was made or the omission occurred, as prescribed by law, except that no refund under
18 this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges
19 incident to credit card discounts. Any other omission or error must be corrected by filing an
20 amended return for the erroneously reported period if the amount of tax is less than that
21 originally reported, or an additional return if the amount of tax is greater than that originally
22 reported. An additional return shall be deemed filed on the date the envelope in which it is
23 mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment
24 of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope
25 containing the payment is postmarked or the date the payment is received by the director,
26 whichever is earlier. If a refund or credit results from the filing of an amended return, no refund
27 or credit shall be allowed unless an application for refund or credit is properly completed and
28 submitted to the director pursuant to section 144.190.

29 5. The amount of gross receipts from sales and the amount of tax due returned by the
30 person, as well as all matters contained in the return, is subject to review and revision in the
31 manner herein provided for the correction of the returns.

32 **6. The director of revenue may require any seller to file and remit sales tax**
33 **electronically.**

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

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

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

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

11 **(4) "Product-based exemption", an exemption based on the description of the**
12 **product and not based on who purchases the product or how the purchaser intends to use**
13 **the product.**

14 **2. Beginning on or before January 1, 2012, the state shall review software**
15 **submitted to the streamlined sales and use tax governing board for certification as a CAS**
16 **under Section 501 of the streamlined sales and use tax agreement. Such review shall**
17 **include a review to determine that the program adequately classifies the state's product-**
18 **based exemptions. Upon completion of the review, the state shall certify to the governing**
19 **board its acceptance of the classifications made by the system. The state shall relieve CSPs**
20 **and model 2 sellers from liability to this state and its local jurisdictions for not collecting**
21 **sales or use taxes resulting from the CSP or model 2 seller relying on the certification**
22 **provided by the state.**

23 **3. The streamlined sales and use tax governing board and this state shall not be**
24 **responsible for classification of an item or transaction with the product-based exemptions.**
25 **The relief from liability provided in this section shall not be available for a CSP or model**
26 **2 seller that has incorrectly classified an item or transaction into a product-based**
27 **exemption certified by this state. This subsection shall apply to the individual listing of**
28 **items or transactions within a product definition approved by the governing board or the**
29 **state.**

30 **4. If the state determines that an item or transaction is incorrectly classified as to**
31 **its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The**
32 **CSP or model 2 seller shall have ten days to revise the classification after receipt of notice**
33 **from the state of the determination. Upon expiration of the ten days, CSP or model 2 seller**

34 **shall be liable for the failure to collect the correct amount of sales or use taxes due and**
35 **owing to the state.**

144.625. To secure the payment of the tax, interest and penalties, which may become due
2 from a vendor as provided in sections 144.600 to 144.745, the director of revenue may, where
3 necessary to secure the payment of the tax, interest, and penalties require [all vendors] **a vendor**
4 to file a bond or a letter of credit in an amount to be determined by the director, under the same
5 requirements as provided in section 144.087.

144.655. 1. Every vendor, on or before the last day of the month following each calendar
2 quarterly period of three months, shall file with the director of revenue a return of all taxes
3 collected for the preceding quarter in the form prescribed by the director of revenue, showing the
4 total sales price of the tangible personal property sold by the vendor, the storage, use or
5 consumption of which is subject to the tax levied by this law, and other information the director
6 of revenue deems necessary. The return shall be accompanied by a remittance of the amount of
7 the tax required to be collected by the vendor during the period covered by the return. Returns
8 shall be signed by the vendor or the vendor's authorized agent. The director of revenue may
9 promulgate rules or regulations changing the filing and payment requirements of vendors, but
10 shall not require any vendor to file and pay more frequently than required in this section.

11 2. Where the aggregate amount of tax required to be collected by a vendor is in excess
12 of two hundred and fifty dollars for either the first or second month of a calendar quarter, the
13 vendor shall pay such aggregate amount for such months to the director of revenue by the
14 twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against
15 the liability shown on the vendor's quarterly return required by this section.

16 3. Where the aggregate amount of tax required to be collected by a vendor is less than
17 forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the
18 vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or
19 before January thirty-first of the succeeding year.

20 4. Except as provided in subsection 5 of this section, every person purchasing tangible
21 personal property, the storage, use or consumption of which is subject to the tax levied by
22 sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance
23 with the provisions of section 144.650, shall file with the director of revenue a return for the
24 preceding reporting period in the form and manner that the director of revenue prescribes,
25 showing the total sales price of the tangible property purchased during the preceding reporting
26 period and any other information that the director of revenue deems necessary for the proper
27 administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance
28 of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person.
29 Returns shall be signed by the person liable for the tax or such person's duly authorized agent.

30 For purposes of this subsection, the reporting period shall be determined by the director of
31 revenue and may be a calendar quarter or a calendar year. Annual returns and payments required
32 by the director pursuant to this subsection shall be due on or before April fifteenth of the year
33 for the preceding calendar year and quarterly returns and payments shall be due on or before the
34 last day of the month following each calendar period of three months. Upon the taxpayer's
35 request, the director may allow the filing of such returns and payments on a monthly basis. If
36 a taxpayer elects to file a monthly return and payment, such return and payment shall be due on
37 or before the twentieth day of the succeeding month.

38 5. [Any person purchasing tangible personal property subject to the taxes imposed by
39 sections 144.600 to 144.748 shall not be required to file a use tax return with the director of
40 revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two
41 thousand dollars in any calendar year.

42 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the
43 tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of
44 tangible personal property used, stored or consumed in this state and to remit all taxes collected
45 to the director of revenue in accordance with the provisions of this section nor shall it relieve a
46 purchaser from paying such taxes to a vendor registered in accordance with the provisions of
47 section 144.650.] **Any out-of-state seller, which is not legally required to register for use tax
48 in this state, but chooses to collect and remit use tax under sections 144.600 to 144.761,
49 shall file a return for the calendar year. The return shall be filed and the taxes paid on or
50 before January thirty-first of the succeeding year. In the event that any out-of-state seller,
51 which is not legally required to register for use tax in this state, but chooses to collect and
52 remit use tax under sections 144.600 to 144.761, has accumulated state and local use tax
53 funds in the amount equal to one thousand dollars or more, such vendor shall file a return
54 and remit the amount due for the month in which the accumulated state and local use tax
55 funds in the amount equal to one thousand dollars.**

56 6. **The director of revenue may require any seller to file and remit use tax
57 electronically.**

144.805. 1. In addition to the exemptions granted pursuant to the provisions of section
2 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to
3 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any
4 local sales tax law, as defined in section 32.085, and from the computation of the tax levied,
5 assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to [144.748]
6 **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section
7 32.085, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the
8 interstate air transportation of passengers and cargo, and the storage, use and consumption of

9 such aviation jet fuel by such common carriers, if such common carrier has first paid to the state
10 of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant
11 to the foregoing provisions and applicable to the purchase, storage, use or consumption of such
12 aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand
13 dollars of state sales and use taxes in such calendar year.

14 2. To qualify for the exemption prescribed in subsection 1 of this section, the common
15 carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant
16 to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The
17 director of revenue shall permit any such common carrier to enter into a direct-pay agreement
18 with the department of revenue, pursuant to which such common carrier may pay directly to the
19 department of revenue any applicable sales and use taxes on such aviation jet fuel up to the
20 maximum aggregate amount of one million five hundred thousand dollars in each calendar year.
21 The director of revenue shall adopt appropriate rules and regulations to implement the provisions
22 of this section, and to permit appropriate claims for refunds of any excess sales and use taxes
23 collected in calendar year 1993 or any subsequent year with respect to any such common carrier
24 and aviation jet fuel.

25 3. The provisions of this section shall apply to all purchases and deliveries of aviation
26 jet fuel from and after May 10, 1993.

27 4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter,
28 less the amounts specifically designated pursuant to the constitution or pursuant to section
29 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established
30 pursuant to section 155.090; provided however, the amount of such state sales and use tax
31 revenues deposited to the credit of such aviation trust fund shall not exceed ten million dollars
32 in each calendar year.

33 5. The provisions of this section and section 144.807 shall expire on [December 31,
34 2013] **January 31, 2012.**

221.407. 1. The commission of any regional jail district may impose, by order, a sales
2 tax in the amount of one-eighth of one percent, one-fourth of one percent, three- eighths of one
3 percent, or one-half of one percent on all retail sales made in such region which are subject to
4 taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing
5 jail services and court facilities and equipment for such region. The tax authorized by this
6 section shall be in addition to any and all other sales taxes allowed by law, except that no order
7 imposing a sales tax pursuant to this section shall be effective unless the commission submits
8 to the voters of the district, on any election date authorized in chapter 115, a proposal to
9 authorize the commission to impose a tax.

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

12 Shall the regional jail district of (counties' names) impose a region-wide
13 sales tax of (insert amount) for the purpose of providing jail services and court
14 facilities and equipment for the region?

15 YES NO

16

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

19

20 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon
21 are in favor of the proposal, then the order and any amendment to such order shall be in effect
22 on the first day of the second **calendar** quarter [immediately following the election approving
23 the proposal] **after the director of revenue receives notification of adoption of the local sales**
24 **tax**. If the proposal receives less than the required majority, the commission shall have no power
25 to impose the sales tax authorized pursuant to this section unless and until the commission shall
26 again have submitted another proposal to authorize the commission to impose the sales tax
27 authorized by this section and such proposal is approved by the required majority of the qualified
28 voters of the district voting on such proposal; however, in no event shall a proposal pursuant to
29 this section be submitted to the voters sooner than twelve months from the date of the last
30 submission of a proposal pursuant to this section.

31 3. All revenue received by a district from the tax authorized pursuant to this section shall
32 be deposited in a special trust fund and shall be used solely for providing jail services and court
33 facilities and equipment for such district for so long as the tax shall remain in effect.

34 4. Once the tax authorized by this section is abolished or terminated by any means, all
35 funds remaining in the special trust fund shall be used solely for providing jail services and court
36 facilities and equipment for the district. Any funds in such special trust fund which are not
37 needed for current expenditures may be invested by the commission in accordance with
38 applicable laws relating to the investment of other county funds.

39 5. All sales taxes collected by the director of revenue pursuant to this section on behalf
40 of any district, less one percent for cost of collection which shall be deposited in the state's
41 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,
42 shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional
43 Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund
44 shall not be deemed to be state funds and shall not be commingled with any funds of the state.
45 The director of revenue shall keep accurate records of the amount of money in the trust fund

46 which was collected in each district imposing a sales tax pursuant to this section, and the records
47 shall be open to the inspection of officers of each member county and the public. Not later than
48 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
49 trust fund during the preceding month to the district which levied the tax. Such funds shall be
50 deposited with the treasurer of each such district, and all expenditures of funds arising from the
51 regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the
52 commission and shall be approved by the commission. Expenditures may be made from the fund
53 for any function authorized in the order adopted by the commission submitting the regional jail
54 district tax to the voters.

55 6. The director of revenue may authorize the state treasurer to make refunds from the
56 amounts in the trust fund and credited to any district for erroneous payments and overpayments
57 made, and may redeem dishonored checks and drafts deposited to the credit of such districts.
58 If any district abolishes the tax, the commission shall notify the director of revenue of the action
59 at least ninety days prior to the effective date of the repeal, and the director of revenue may order
60 retention in the trust fund, for a period of one year, of two percent of the amount collected after
61 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
62 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
63 after the effective date of abolition of the tax in such district, the director of revenue shall remit
64 the balance in the account to the district and close the account of that district. The director of
65 revenue shall notify each district in each instance of any amount refunded or any check redeemed
66 from receipts due the district.

67 7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall
68 apply to the tax imposed pursuant to this section.

69 8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a
2 transportation development district sales tax on all retail sales made in such transportation
3 development district which are subject to taxation pursuant to the provisions of sections 144.010
4 to 144.525, except such transportation development district sales tax shall not apply to the sale
5 or use of motor vehicles, trailers, boats or outboard motors [nor to all sales of electricity or
6 electrical current, water and gas, natural or artificial, nor to sales of service to telephone
7 subscribers, either local or long distance]. Such transportation development district sales tax
8 may be imposed for any transportation development purpose designated by the transportation
9 development district in its ballot of submission to its qualified voters, except that no resolution
10 enacted pursuant to the authority granted by this section shall be effective unless:

11 (a) The board of directors of the transportation development district submits to the
12 qualified voters of the transportation development district a proposal to authorize the board of

13 directors of the transportation development district to impose or increase the levy of an existing
14 tax pursuant to the provisions of this section; or

15 (b) The voters approved the question certified by the petition filed pursuant to subsection
16 5 of section 238.207.

17 (2) If the transportation district submits to the qualified voters of the transportation
18 development district a proposal to authorize the board of directors of the transportation
19 development district to impose or increase the levy of an existing tax pursuant to the provisions
20 of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but
21 need not be limited to, the following language:

22 Shall the transportation development district of (transportation development
23 district's name) impose a transportation development district-wide sales tax at the rate of
24 (insert amount) for a period of (insert number) years from the date on which such tax is
25 first imposed for the purpose of (insert transportation development purpose)?

26 YES NO

27

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

30

31 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
32 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority
33 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of
34 directors of the transportation development district shall have no power to impose the sales tax
35 authorized by this section unless and until the board of directors of the transportation
36 development district shall again have submitted another proposal to authorize it to impose the
37 sales tax pursuant to the provisions of this section and such proposal is approved by a majority
38 of the qualified voters voting thereon.

39 (3) [The sales tax authorized by this section shall become effective on the first day of the
40 second calendar quarter after the department of revenue receives notification of the tax.

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

46 (5) In order to permit sellers required to collect and report the sales tax authorized by this
47 section to collect the amount required to be reported and remitted, but not to change the
48 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid

49 fractions of pennies, the transportation development district may establish appropriate brackets
50 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets
51 provided in section 144.285.

52 (6) All revenue received by a transportation development district from the tax
53 authorized by this section which has been designated for a certain transportation development
54 purpose shall be deposited in a special trust fund and shall be used solely for such designated
55 purpose. Upon the expiration of the period of years approved by the qualified voters pursuant
56 to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant
57 to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be
58 used solely for such designated transportation development purpose. Any funds in such special
59 trust fund which are not needed for current expenditures may be invested by the board of
60 directors in accordance with applicable laws relating to the investment of other transportation
61 development district funds.

62 [(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up
63 to a maximum of one percent on the receipts from the sale at retail of all tangible personal
64 property or taxable services at retail within the transportation development district adopting such
65 tax, if such property and services are subject to taxation by the state of Missouri pursuant to the
66 provisions of sections 144.010 to 144.525, except such transportation development district sales
67 tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to
68 public utilities]. Any transportation development district sales tax imposed pursuant to this
69 section shall be imposed at a rate that shall be uniform throughout the district.

70 2. The resolution imposing the sales tax pursuant to this section shall impose upon all
71 sellers a tax for the privilege of engaging in the business of selling tangible personal property or
72 rendering taxable services at retail to the extent and in the manner provided in sections 144.010
73 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto;
74 except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the
75 tax shall be reported and returned to and collected by the transportation development district.

76 3. [On and after the effective date of any tax imposed pursuant to this section, the
77 director of revenue shall perform all functions incident to the administration, collection,
78 enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all
79 other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax
80 imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of
81 Missouri shall be collected together and reported upon such forms and pursuant to such
82 administrative rules and regulations as may be prescribed by the director of revenue.

83 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the
84 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality

85 provision, shall apply to the collection of the tax imposed by this section, except as modified in
86 this section.

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

91 (3) The same sales tax permit, exemption certificate and retail certificate required by
92 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
93 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
94 certificate shall be required; except that the transportation development district may prescribe
95 a form of exemption certificate for an exemption from the tax imposed by this section.

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

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

101 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
102 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place
103 of business of the retailer unless the tangible personal property sold is delivered by the retailer
104 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an
105 out-of-state destination. In the event a retailer has more than one place of business in this state
106 which participates in the sale, the sale shall be deemed to be consummated at the place of
107 business of the retailer where the initial order for the tangible personal property is taken, even
108 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or
109 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of
110 business from which the employee works.

111 5.] All sales taxes received by the transportation development district shall be deposited
112 by the director of revenue in a special fund to be expended for the purposes authorized in this
113 section. The director of revenue shall keep accurate records of the amount of money which was
114 collected pursuant to this section, and the records shall be open to the inspection of officers of
115 each transportation development district and the general public.

116 [6.] 4. (1) No transportation development district imposing a sales tax pursuant to this
117 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
118 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
119 revenue bonds, notes or other obligations which it has issued or which have been issued by the
120 commission or any local transportation authority to finance any project or projects.

121 (2) Whenever the board of directors of any transportation development district in which
122 a transportation development sales tax has been imposed in the manner provided by this section
123 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal
124 such transportation development sales tax, the board of directors shall, if such repeal will not
125 impair the district's ability to repay any liabilities which it has incurred, money which it has
126 borrowed or revenue bonds, notes or other obligations which it has issued or which have been
127 issued by the commission or any local transportation authority to finance any project or projects,
128 submit to the qualified voters of such transportation development district a proposal to repeal the
129 transportation development sales tax imposed pursuant to the provisions of this section. If a
130 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
131 the proposal to repeal the transportation development sales tax, then the resolution imposing the
132 transportation development sales tax, along with any amendments thereto, is repealed. If a
133 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to
134 repeal the transportation development sales tax, then the ordinance or resolution imposing the
135 transportation development sales tax, along with any amendments thereto, shall remain in effect.

136 [7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to
137 the contrary, the sales tax imposed by a district whose project is a public mass transportation
138 system shall not be considered economic activity taxes as such term is defined under sections
139 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of
140 section 99.845, or subsection 4 of section 99.957.

141 **6. After the effective date of any tax imposed under the provisions of this section,**
142 **the director of revenue shall perform all functions incident to the administration,**
143 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
144 **the state of Missouri, the additional tax authorized under the authority of this section. The**
145 **tax imposed under this section and the tax imposed under the sales tax law of the state of**
146 **Missouri shall be collected together and reported upon such forms and under such**
147 **administrative rules and regulations as may be prescribed by the director of revenue.**

148 **7. All transportation development district sales taxes collected by the director of**
149 **revenue under this section on behalf of any transportation development district, less one**
150 **percent for cost of collection, which shall be deposited in the state's general revenue fund**
151 **after payment of premiums for surety bonds as provided in section 32.087, shall be**
152 **deposited with the state treasurer in a transportation development district sales tax trust**
153 **fund. The moneys in such transportation development district sales tax trust fund shall**
154 **not be deemed to be state funds and shall not be commingled with any funds of the state.**
155 **The director of revenue shall keep accurate records of the amount of money in the trust**
156 **fund which was collected in each transportation development district imposing a**

157 **transportation development district sales tax, and the records shall be open to the**
158 **inspection of officers of the district and to the public. Not later than the tenth day of each**
159 **month the director of revenue shall distribute all moneys deposited in the trust fund during**
160 **the preceding month by distributing to the district treasurer, or such other officer as may**
161 **be designated by the transportation development district ordinance or order of each**
162 **district imposing the tax authorized by this section, the sum due the district as certified by**
163 **the director of revenue.**

164 **8. The director of revenue may authorize the state treasurer to make refunds from**
165 **the amounts in the trust fund and credited to any transportation development district for**
166 **erroneous payments and overpayments made, and may redeem dishonored checks and**
167 **drafts deposited to the credit of such counties. If any county abolishes the tax, the repeal**
168 **of such tax shall become effective December thirty-first of the calendar year in which such**
169 **abolishment was approved. The transportation development district shall notify the**
170 **director of revenue of the action at least ninety days before the effective date of the repeal,**
171 **and the director of revenue may order retention in the trust fund, for a period of one year,**
172 **of two percent of the amount collected after receipt of such notice to cover possible refunds**
173 **or overpayment of the tax and to redeem dishonored checks and drafts deposited to the**
174 **credit of such accounts. After one year has elapsed after the effective date of abolition of**
175 **the tax in such transportation development district, the director of revenue shall authorize**
176 **the state treasurer to remit the balance in the account to the transportation development**
177 **district and close the account of that county. The director of revenue shall notify each**
178 **transportation development district of each instance of any amount refunded or any check**
179 **redeemed from receipts due the district.**

180 **9. Except as modified in this section, all provisions of sections 32.085 and 32.087**
181 **shall apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established pursuant to section 238.400 may
2 impose a sales tax of up to one percent on all retail sales made in such county which are subject
3 to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this
4 section shall be in addition to any and all other sales taxes allowed by law, except that no sales
5 tax imposed under the provisions of this section shall be effective unless the governing body of
6 the county, on behalf of the transit authority, submits to the voters of the county, at a county or
7 state general, primary or special election, a proposal to authorize the transit authority to impose
8 a tax.

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

11 Shall the Transit Authority impose a countywide sales tax of (insert
 12 amount) in order to provide revenues for the operation of transportation facilities operated by the
 13 transit authority?

14 YES NO

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

18
 19 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 20 of the proposal, then the tax shall become effective on the first day of the second calendar quarter
 21 following notification to the department of revenue of adoption of the tax. If a majority of the
 22 votes cast by the qualified voters voting are opposed to the proposal, then the transit authority
 23 shall have no power to impose the sales tax authorized by this section unless and until another
 24 proposal to authorize the transit authority to impose the sales tax authorized by this section has
 25 been submitted and such proposal is approved by a majority of the qualified voters voting
 26 thereon.

27 3. All revenue received by the transit authority from the tax authorized under the
 28 provisions of this section shall be deposited in a special trust fund and shall be used solely by the
 29 transit authority for construction, purchase, lease, maintenance and operation of transportation
 30 facilities located within the county for so long as the tax shall remain in effect. Any funds in
 31 such special trust fund which are not needed for current expenditures may be invested by the
 32 transit authority in accordance with applicable laws relating to the investment of county funds.

33 4. No transit authority imposing a sales tax pursuant to this section may repeal or amend
 34 such sales tax unless such repeal or amendment is submitted to and approved by the voters of
 35 the county in the same manner as provided in subsection 1 of this section for approval of such
 36 tax. Whenever the governing body of any county in which a sales tax has been imposed in the
 37 manner provided by this section receives a petition, signed by ten percent of the registered voters
 38 of such county voting in the last gubernatorial election, calling for an election to repeal such sales
 39 tax, the governing body shall submit to the voters of such county a proposal to repeal the sales
 40 tax imposed under the provisions of this section. If a majority of the votes cast on the proposal
 41 by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then
 42 such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon
 43 are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

44 5. The sales tax imposed under the provisions of this section shall impose upon all sellers
 45 a tax for the privilege of engaging in the business of selling tangible personal property or
 46 rendering taxable services at retail to the extent and in the manner provided in sections 144.010

47 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto;
48 except that the rate of the tax shall be the rate approved pursuant to this section. The amount
49 reported and returned to the director of revenue by the seller shall be computed on the basis of
50 the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this
51 section, plus any amounts imposed under other provisions of law.

52 6. After the effective date of any tax imposed under the provisions of this section, the
53 director of revenue shall perform all functions incident to the administration, collection,
54 enforcement, and operation of the tax, and the director of revenue shall collect in addition to the
55 sales tax for the state of Missouri the additional tax authorized under the authority of this section.
56 The tax imposed under this section and the tax imposed under the sales tax law of the state of
57 Missouri shall be collected together and reported upon such forms and under such administrative
58 rules and regulations as may be prescribed by the director of revenue. In order to permit sellers
59 required to collect and report the sales tax to collect the amount required to be reported and
60 remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy
61 of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285
62 shall apply to all taxable transactions.

63 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state
64 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection
65 of the tax imposed by this section, except as modified in this section. All exemptions granted
66 to agencies of government, organizations, persons and to the sale of certain articles and items of
67 tangible personal property and taxable services under the provisions of sections 144.010 to
68 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this
69 section. The same sales tax permit, exemption certificate and retail certificate required by
70 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
71 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
72 certificate shall be required; except that the director of revenue may prescribe a form of
73 exemption certificate for an exemption from the tax imposed by this section. All discounts
74 allowed the retailer under the provisions of the state sales tax law for the collection of and for
75 payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes
76 collected under the provisions of this section. The penalties provided in section 32.057 and
77 sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to
78 violations of this section.

79 8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall
80 be deemed to be consummated at the place of business of the retailer, except for tangible
81 personal property sold which is delivered by the retailer or his agent to an out-of-state destination
82 or to a common carrier for delivery to an out-of-state destination and except for the sale of motor

83 vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this
84 section. In the event a retailer has more than one place of business in this state which
85 participates in the sale, the sale shall be deemed to be consummated at the place of business of
86 the retailer where the initial order for the tangible personal property is taken, even though the
87 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
88 sale by a retailer's employee shall be deemed to be consummated at the place of business from
89 which he works.

90 9.] All sales taxes collected by the director of revenue under this section on behalf of any
91 transit authority, less one percent for cost of collection which shall be deposited in the state's
92 general revenue fund after payment of premiums for surety bonds as provided in this section,
93 shall be deposited in the state treasury in a special trust fund, which is hereby created, to be
94 known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county
95 transit authority sales tax trust fund shall not be deemed to be state funds and shall not be
96 commingled with any funds of the state. The director of revenue shall keep accurate records of
97 the amount of money in the trust fund which was collected in each transit authority imposing a
98 sales tax under this section, and the records shall be open to the inspection of officers of the
99 county and the public. Not later than the tenth day of each month the director of revenue shall
100 distribute all moneys deposited in the trust fund during the preceding month to the transit
101 authority which levied the tax.

102 [10.] 9. The director of revenue may authorize the state treasurer to make refunds from
103 the amounts in the trust fund and credited to any transit authority for erroneous payments and
104 overpayments made, and may authorize the state treasurer to redeem dishonored checks and
105 drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax,
106 the transit authority shall notify the director of revenue of the action at least ninety days prior to
107 the effective date of the repeal and the director of revenue may order retention in the trust fund,
108 for a period of one year, of two percent of the amount collected after receipt of such notice to
109 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
110 deposited to the credit of such accounts. After one year has elapsed after the effective date of
111 abolition of the tax in such transit authority, the director of revenue shall authorize the state
112 treasurer to remit the balance in the account to the transit authority and close the account of that
113 transit authority. The director of revenue shall notify each transit authority of each instance of
114 any amount refunded or any check redeemed from receipts due the transit authority. The director
115 of revenue shall annually report on his management of the trust fund and administration of the
116 sales taxes authorized by this section. He shall provide each transit authority imposing the tax
117 authorized by this section with a detailed accounting of the source of all funds received by him
118 for the transit authority.

119 [11.] **10.** The director of revenue and any of his deputies, assistants and employees who
120 shall have any duties or responsibilities in connection with the collection, deposit, transfer,
121 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the
122 hands of the director of revenue under the provisions of this section shall enter a surety bond or
123 bonds payable to any and all transit authorities in whose behalf such funds have been collected
124 under this section in the amount of one hundred thousand dollars; but the director of revenue
125 may enter into a blanket bond or bonds covering himself and all such deputies, assistants and
126 employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by
127 the director of revenue from the share of the collection retained by the director of revenue for the
128 benefit of the state.

129 [12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and
130 sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted
131 by the seller, but shall be collected by the director of revenue at the time application is made for
132 a certificate of title, if the address of the applicant is within a county where a sales tax is imposed
133 under this section. The amounts so collected, less the one percent collection cost, shall be
134 deposited in the county transit authority sales tax trust fund. The purchase or sale of motor
135 vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address
136 of the applicant. As used in this subsection, the term "boat" shall only include motorboats and
137 vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

138 [13.] **12.** In any county where the transit authority sales tax has been imposed, if any
139 person is delinquent in the payment of the amount required to be paid by him under this section
140 or in the event a determination has been made against him for taxes and penalty under this
141 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
142 be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has
143 determined that suit must be filed against any person for the collection of delinquent taxes due
144 the state under the state sales tax law, and where such person is also delinquent in payment of
145 taxes under this section, the director of revenue shall notify the transit authority to which
146 delinquent taxes are due under this section by United States registered mail or certified mail at
147 least ten days before turning the case over to the attorney general. The transit authority, acting
148 through its attorney, may join in such suit as a party plaintiff to seek a judgment for the
149 delinquent taxes and penalty due such transit authority. In the event any person fails or refuses
150 to pay the amount of any sales tax due under this section, the director of revenue shall promptly
151 notify the transit authority to which the tax would be due so that appropriate action may be taken
152 by the transit authority.

153 [14.] **13.** Where property is seized by the director of revenue under the provisions of any
154 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax

155 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
156 tax imposed by this section, the director of revenue shall permit the transit authority to join in
157 any sale of property to pay the delinquent taxes and penalties due the state and to the transit
158 authority under this section. The proceeds from such sale shall first be applied to all sums due
159 the state, and the remainder, if any, shall be applied to all sums due such transit authority under
160 this section.

161 [15. The transit authority created under the provisions of sections 238.400 to 238.412
162 shall notify any and all affected businesses of the change in tax rate caused by the imposition of
163 the tax authorized by sections 238.400 to 238.412.

164 16.] 14. In the event that any transit authority in any county with a charter form of
165 government and with more than two hundred fifty thousand but fewer than three hundred fifty
166 thousand inhabitants submits a proposal in any election to increase the sales tax under this
167 section, and such proposal is approved by the voters, the county shall be reimbursed for the costs
168 of submitting such proposal from the funds derived from the tax levied under this section.

169 **15. Except as modified in sections 238.400 to 238.412, all provisions of sections**
170 **32.085 and 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.**

644.032. 1. The governing body of any municipality or county may impose, by
2 ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail
3 sales made in such municipality or county which are subject to taxation under the provisions of
4 sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in
5 addition to any and all other sales taxes allowed by law, except that no ordinance or order
6 imposing a sales tax under the provisions of this section and section 644.033 shall be effective
7 unless the governing body of the municipality or county submits to the voters of the municipality
8 or county, at a municipal, county or state general, primary or special election, a proposal to
9 authorize the governing body of the municipality or county to impose a tax[, provided, that the
10 tax authorized by this section shall not be imposed on the sales of food, as defined in section
11 144.014, when imposed by any county with a charter form of government and with more than
12 one million inhabitants].

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

15 Shall the municipality (county) of impose a sales tax of (insert amount)
16 for the purpose of providing funding for (insert either storm water control, or local
17 parks, or storm water control and local parks) for the municipality (county)?

18 YES NO

19

20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
21 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the
22 first day of the second quarter after the director of revenue receives notice of adoption of the tax.
23 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
24 governing body of the municipality or county shall not impose the sales tax authorized in this
25 section and section 644.033 until the governing body of the municipality or county resubmits
26 another proposal to authorize the governing body of the municipality or county to impose the
27 sales tax authorized by this section and section 644.033 and such proposal is approved by a
28 majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant
29 to this section and section 644.033 be submitted to the voters sooner than twelve months from
30 the date of the last proposal pursuant to this section and section 644.033.

31 3. All revenue received by a municipality or county from the tax authorized under the
32 provisions of this section and section 644.033 shall be deposited in a special trust fund and shall
33 be used to provide funding for storm water control or for local parks, or both, within such
34 municipality or county, provided that such revenue may be used for local parks outside such
35 municipality or county if the municipality or county is engaged in a cooperative agreement
36 pursuant to section 70.220.

37 4. Any funds in such special trust fund which are not needed for current expenditures
38 may be invested by the governing body in accordance with applicable laws relating to the
39 investment of other municipal or county funds.

✓