

SECOND REGULAR SESSION

HOUSE BILL NO. 1721

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCNEIL (Sponsor), LOVE, HUMMEL, SCHIEFFER, MEREDITH, SCHUPP, NEWMAN, MORGAN, PACE, WALTON GRAY, MCCANN BEATTY, ELLINGER, OTTO, RIZZO, KIRKTON AND FUNDERBURK (Co-sponsors).

4252H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.085, 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.070, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, 301.280, and 644.032, RSMo, and to enact in lieu thereof seventy-four new sections relating to taxation, with an effective date.

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

Section A. Sections 32.085, 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 2 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 3 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775, 67.1959, 67.1971, 67.2000, 4 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 5 144.032, 144.043, 144.049, 144.054, 144.070, 144.083, 144.100, 144.140, 144.210, 144.285, 6 144.517, 144.526, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 7 144.1015, 184.845, 221.407, 238.235, 238.410, 301.280, and 644.032, RSMo, are repealed and 8 seventy-four new sections enacted in lieu thereof, to be known as sections 32.070, 32.085, 9 32.086, 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 10 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303,

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.

11 67.1305, 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578,
12 94.605, 94.660, 94.705, 144.010, 144.014, 144.022, 144.030, 144.032, 144.040, 144.042,
13 144.043, 144.049, 144.051, 144.054, 144.070, 144.082, 144.083, 144.084, 144.100, 144.105,
14 144.106, 144.112, 144.123, 144.124, 144.125, 144.140, 144.210, 144.212, 144.285, 144.517,
15 144.526, 144.655, 144.710, 184.845, 221.407, 238.235, 238.410, 301.280, and 644.032, to read
16 as follows:

**32.070. 1. The director of the department of revenue shall enter into the
2 streamlined sales and use tax agreement with one or more states to simplify and modernize
3 sales and use tax administration in order to substantially reduce the burden of tax
4 compliance for all sellers and for all types of commerce. In furtherance of the streamlined
5 sales and use tax agreement, the director of the department of revenue may act jointly with
6 other states that are members of the streamlined sales and use tax agreement to establish
7 standards for certification of a certified service provider and certified automated system
8 and establish performance standards for multistate sellers.**

**9 2. The director of the department of revenue may take other action reasonably
10 required to implement the provisions set forth in the streamlined sales and use tax
11 administration act including, but not limited to, the promulgation of rules and the joint
12 procurement, with other member states, of goods and services in furtherance of the
13 streamlined sales and use tax agreement.**

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

**24 4. The department of revenue shall promulgate rules necessary to implement the
25 provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule,
26 as that term is defined in section 536.010, that is created under the authority delegated in
27 this section shall become effective only if it complies with and is subject to all of the
28 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
29 are nonseverable and if any of the powers vested with the general assembly under chapter
30 536 to review, to delay the effective date, or to disapprove and annul a rule are**

31 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
32 **proposed or adopted after August 28, 2014, shall be invalid and void.**

32.085. 1. The following words or phrases as used in this section and section 32.087
2 shall have the following meaning unless a different meaning clearly appears from the context:

3 (1) "Boat" shall only include motorboats and vessels as the terms "motorboat" and
4 "vessel" are defined in section 306.010;

5 (2) **"District" shall mean a subdivision defined by its geographic location that is not**
6 **a city or county;**

7 (3) "Farm machinery" means new or used farm tractors, cultivating and harvesting
8 equipment which ordinarily is attached thereto, combines, cornpickers, cottonpickers, farm
9 trailers, and such other new or used farm equipment or machinery which are used exclusively
10 for agricultural purposes as the director of revenue may exempt by rule or regulation of the
11 department of revenue;

12 [(3)] (4) "Local sales tax" shall mean any tax levied, assessed, or payable under the local
13 sales tax law;

14 [(4)] (5) "Local sales tax law" shall refer [specifically] to [sections 66.600 to 66.630,
15 67.391 to 67.395, 67.500 to 67.545, 67.547, 67.548, 67.550 to 67.570, 67.581, 67.582,
16 67.583, 67.590 to 67.594, 67.700 to 67.727, 67.729, 67.730 to 67.739, 67.782, 67.1712 to
17 67.1715, 92.400 to 92.421, 94.500 to 94.550, 94.577, 94.600 to 94.655, and 94.700 to 94.755,
18 and] any provision of law [hereafter] enacted authorizing the imposition of a sales tax by a
19 political subdivision of this state; provided that such sales tax applies to all transactions which
20 are subject to the taxes imposed under the provisions of sections 144.010 to 144.525;

21 [(5)] (6) "Taxing entity" shall refer specifically to any political subdivision of this state
22 which is authorized by the local sales tax law to impose one or more local sales taxes.

23 **2. To the extent that sections 32.085 to 32.087 conflict with the local sales and use**
24 **tax law, sections 32.085 to 32.087 shall control.**

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

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, and shall be imposed on all transactions on
 9 which the Missouri state sales tax is imposed.

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

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

20 5.] (1) The ordinance or order imposing a local sales tax under the local sales tax law
 21 shall impose [a tax] upon all [transactions upon which the Missouri state sales tax is imposed]
 22 **sellers a tax for the privilege of engaging in the business of selling tangible personal**
 23 **property or rendering taxable services at retail** to the extent and in the manner provided in
 24 sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued
 25 pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state
 26 sales tax or state highway use tax and all local sales taxes imposed under the provisions of the
 27 local sales tax law.

28 (2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions,
 29 except those in which voters have previously approved a local use tax under section 144.757,
 30 shall have placed on the ballot on or after the general election in November 2014, but no later
 31 than the general election in November 2016, whether to repeal application of the local sales tax
 32 to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales
 33 tax under section 144.020 and purchased from a source other than a licensed Missouri dealer.
 34 The ballot question presented to the local voters shall contain substantially the following
 35 language:

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

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

43 YES NO

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

46 (3) If the ballot question set forth in subdivision (2) of this subsection receives a majority
47 of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot
48 question before the voters on or before the general election in November 2016, the local taxing
49 jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats,
50 and outboard motors that were purchased from a source other than a licensed Missouri dealer.

51 (4) In addition to the requirement that the ballot question set forth in subdivision (2) of
52 this subsection be placed before the voters, the governing body of any local taxing jurisdiction
53 that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and
54 outboard motors may, at any time, place a proposal on the ballot at any election to repeal
55 application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard
56 motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes
57 cast by the registered voters voting thereon are in favor of the proposal to repeal application of
58 the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling
59 of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a
60 licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon
61 are opposed to the proposal to repeal application of the local sales tax to such titling, such
62 application shall remain in effect.

63 (5) In addition to the requirement that the ballot question set forth in subdivision (2) of
64 this subsection be placed before the voters on or after the general election in November 2014,
65 and on or before the general election in November 2016, whenever the governing body of any
66 local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats,
67 and outboard motors receives a petition, signed by fifteen percent of the registered voters of such
68 jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on
69 the ballot at any election to repeal application of the local sales tax to the titling of motor
70 vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed
71 Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to
72 repeal application of the local sales tax to such titling. If a majority of the votes cast by the
73 registered voters voting thereon are in favor of the proposal to repeal application of the local
74 sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor

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

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

81 (7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard
82 motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal
83 shall take effect on the first day of the second calendar quarter after the election. If any local
84 sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a
85 source other than a licensed Missouri dealer is required to cease to be applied or collected due
86 to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this
87 subsection, such cessation shall take effect on March 1, 2017.

88 [6.] 5. On and after the effective date of any local sales tax imposed under the provisions
89 of the local sales tax law, the director of revenue shall perform all functions incident to the
90 administration, collection, enforcement, and operation of the tax, and the director of revenue
91 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes
92 authorized under the authority of the local sales tax law. All local sales taxes imposed under the
93 local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri
94 shall be collected together and reported upon such forms and under such administrative rules and
95 regulations as may be prescribed by the director of revenue.

96 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the
97 state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the
98 collection of any local sales tax imposed under the local sales tax law except as modified by the
99 local sales tax law.

100 [8.] 7. All exemptions granted to agencies of government, organizations, persons and to
101 the sale of certain articles and items of tangible personal property and taxable services under the
102 provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter
103 be amended, it being the intent of this general assembly to ensure that the same sales tax
104 exemptions granted from the state sales tax law also be granted under the local sales tax law, are
105 hereby made applicable to the imposition and collection of all local sales taxes imposed under
106 the local sales tax law.

107 [9.] 8. The same sales tax permit, exemption certificate and retail certificate required by
108 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
109 satisfy the requirements of the local sales tax law, and no additional permit or exemption
110 certificate or retail certificate shall be required; except that the director of revenue may prescribe

111 a form of exemption certificate for an exemption from any local sales tax imposed by the local
112 sales tax law.

113 [10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law
114 for the collection of and for payment of taxes under the provisions of the state sales tax law are
115 hereby allowed and made applicable to any local sales tax collected under the provisions of the
116 local sales tax law.

117 [11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for
118 a violation of the provisions of those sections are hereby made applicable to violations of the
119 provisions of the local sales tax law.

120 [12.] 11. (1) For the purposes of any local sales tax imposed by an ordinance or order
121 under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and
122 outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to
123 be consummated at the place of business of the retailer unless the tangible personal property sold
124 is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has
125 more than one place of business in this state which participates in the sale, the sale shall be
126 deemed to be consummated at the place of business of the retailer where the initial order for the
127 tangible personal property is taken, even though the order must be forwarded elsewhere for
128 acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall
129 be deemed to be consummated at the place of business from which he works.

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

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

140 [13.] 12. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers,
141 boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall
142 be collected from the purchaser by the director of revenue at the time application is made for a
143 certificate of title, if the address of the applicant is within a taxing entity imposing a local sales
144 tax under the local sales tax law.

145 [14.] 13. The director of revenue and any of [his] **the director's** deputies, assistants and
146 employees who have any duties or responsibilities in connection with the collection, deposit,

147 transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come
148 into the hands of the director of revenue under the provisions of the local sales tax law shall enter
149 a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have
150 been collected under the local sales tax law in the amount of one hundred thousand dollars for
151 each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the**
152 **director** and all such deputies, assistants and employees. The cost of any premium for such
153 bonds shall be paid by the director of revenue from the share of the collections under the sales
154 tax law retained by the director of revenue for the benefit of the state.

155 [15.] **14.** The director of revenue shall annually report on [his] **the director's**
156 management of each trust fund which is created under the local sales tax law and administration
157 of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide
158 each taxing entity imposing one or more local sales taxes authorized by the local sales tax law
159 with a detailed accounting of the source of all funds received by [him] **the director** for the taxing
160 entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each
161 trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing
162 entity imposing one or more local sales taxes.

163 [16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes
164 have been imposed, if any person is delinquent in the payment of the amount required to be paid
165 by [him] **such person** under the local sales tax law or in the event a determination has been made
166 against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for
167 bringing suit for the collection of the delinquent tax and penalty shall be the same as that
168 provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit
169 must be filed against any person for the collection of delinquent taxes due the state under the
170 state sales tax law, and where such person is also delinquent in payment of taxes under the local
171 sales tax law, the director of revenue shall notify the taxing entity in the event any person fails
172 or refuses to pay the amount of any local sales tax due so that appropriate action may be taken
173 by the taxing entity.

174 [17.] **16.** Where property is seized by the director of revenue under the provisions of any
175 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax
176 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
177 tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to
178 join in any sale of property to pay the delinquent taxes and penalties due the state and to the
179 taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to
180 all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing
181 entity.

182 [18.] 17. If a local sales tax has been in effect for at least one year under the provisions
183 of the local sales tax law and voters approve reimposition of the same local sales tax at the same
184 rate at an election as provided for in the local sales tax law prior to the date such tax is due to
185 expire, the tax so reimposed shall become effective the first day of the first calendar quarter after
186 the director receives a certified copy of the ordinance, order or resolution accompanied by a map
187 clearly showing the boundaries thereof and the results of such election, provided that such
188 ordinance, order or resolution and all necessary accompanying materials are received by the
189 director at least thirty days prior to the expiration of such tax. Any administrative cost or
190 expense incurred by the state as a result of the provisions of this subsection shall be paid by the
191 city or county reimposing such tax.

192 **18. If the boundaries of a local taxing jurisdiction in which a sales tax or use tax has**
193 **been imposed shall be established, changed, or altered, the taxing entity shall forward to**
194 **the director of revenue by United States registered mail or certified mail a certified copy**
195 **of the ordinance adding or detaching territory from the taxing entity within ten days of**
196 **adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance**
197 **and shall be accompanied by a map of the taxing entity clearly showing the territory added**
198 **or detached from the taxing entity boundaries. Upon receipt of the ordinance and map,**
199 **the tax imposed under the local sales tax law or local use tax law shall be effective in the**
200 **added territory or abolished in the detached territory on the first day of a calendar quarter**
201 **after one hundred twenty days' notice to sellers.**

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

66.620. 1. All county sales taxes collected by the director of revenue under sections
2 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be
3 deposited in the state's general revenue fund after payment of premiums for surety bonds as
4 provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created,
5 to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust
6 fund shall not be deemed to be state funds and shall not be commingled with any funds of the
7 state.] The director of revenue shall keep accurate records of the amount of money in the trust
8 fund which was collected in each county imposing a county sales tax, and the records shall be
9 open to the inspection of officers of the county and the public. Not later than the tenth day of
10 each month, the director of revenue shall distribute all moneys deposited in the trust fund during
11 the preceding month to the county which levied the tax; such funds shall be deposited with the
12 county treasurer of the county and all expenditures of funds arising from the county sales tax
13 trust fund shall be by an appropriation act to be enacted by the legislative council of the county,

14 and to the cities, towns and villages located wholly or partly within the county which levied the
15 tax in the manner as set forth in sections 66.600 to 66.630.

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

37 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and
38 villages in group A the taxes based on the location in which the sales were deemed consummated
39 under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by
40 section 66.630, after deducting the distribution to the cities, towns and villages in group A, the
41 director of revenue shall distribute the remaining funds in the county sales tax trust fund to the
42 cities, towns and villages and the county in group B as follows: To the county which levied the
43 tax, a percentage of the distributable revenue equal to the percentage ratio that the population of
44 the unincorporated areas of the county bears to the total population of group B; and to each city,
45 town or village in group B located wholly within the taxing county, a percentage of the
46 distributable revenue equal to the percentage ratio that the population of such city, town or
47 village bears to the total population of group B; and to each city, town or village located partly
48 within the taxing county, a percentage of the distributable revenue equal to the percentage ratio

49 that the population of that part of the city, town or village located within the taxing county bears
50 to the total population of group B.

51 4. From and after January 1, 1994, the director of revenue shall distribute to the cities,
52 towns and villages in group A a portion of the taxes based on the location in which the sales were
53 deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance
54 with the formula described in this subsection. After deducting the distribution to the cities,
55 towns and villages in group A, the director of revenue shall distribute funds in the county sales
56 tax trust fund to the cities, towns and villages and the county in group B as follows: To the
57 county which levied the tax, ten percent multiplied by the percentage of the population of
58 unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied
59 by the total of all sales tax revenues countywide, and a percentage of the remaining distributable
60 revenue equal to the percentage ratio that the population of unincorporated areas of the county
61 bears to the total population of group B; and to each city, town or village in group B located
62 wholly within the taxing county, a percentage of the remaining distributable revenue equal to the
63 percentage ratio that the population of such city, town or village bears to the total population of
64 group B; and to each city, town or village located partly within the taxing county, a percentage
65 of the remaining distributable revenue equal to the percentage ratio that the population of that
66 part of the city, town or village located within the taxing county bears to the total population of
67 group B.

68 5. (1) For purposes of administering the distribution formula of subsection 4 of this
69 section, the revenues arising each year from sales occurring within each group A city, town or
70 village shall be distributed as follows: Until such revenues reach the adjusted county average,
71 as hereinafter defined, there shall be distributed to the city, town or village all of such revenues
72 reduced by the percentage which is equal to ten percent multiplied by the percentage of the
73 population of unincorporated county which has been annexed or incorporated after April 1, 1993;
74 and once revenues exceed the adjusted county average, total revenues shall be shared in
75 accordance with the redistribution formula as defined in this subsection.

76 (2) For purposes of this subsection, the "adjusted county average" is the per capita
77 countywide average of all sales tax distributions during the prior calendar year reduced by the
78 percentage which is equal to ten percent multiplied by the percentage of the population of
79 unincorporated county which has been annexed or incorporated after April 1, 1993; the
80 "redistribution formula" is as follows: During 1994, each group A city, town and village shall
81 receive that portion of the revenues arising from sales occurring within the municipality that
82 remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising
83 from sales within the municipality multiplied by the percentage which is the sum of ten percent
84 multiplied by the percentage of the population of unincorporated county which has been annexed

85 or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product
86 of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
87 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
88 county average. During 1995, each group A city, town and village shall receive that portion of
89 the revenues arising from sales occurring within the municipality that remains after deducting
90 therefrom an amount equal to the cumulative sales tax revenues arising from sales within the
91 municipality multiplied by the percentage which is the sum of ten percent multiplied by the
92 percentage of the population of unincorporated county which has been annexed or incorporated
93 after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen
94 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
95 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
96 county average. From January 1, 1996, until January 1, 2000, each group A city, town and
97 village shall receive that portion of the revenues arising from sales occurring within the
98 municipality that remains after deducting therefrom an amount equal to the cumulative sales tax
99 revenues arising from sales within the municipality multiplied by the percentage which is the
100 sum of ten percent multiplied by the percentage of the population of unincorporated county
101 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than
102 zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035
103 multiplied by the total of cumulative per capita sales taxes arising from sales within the
104 municipality less the adjusted county average. From and after January 1, 2000, the distribution
105 formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply,
106 except that the percentage computed for sales arising within the municipalities shall be not less
107 than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county
108 average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the
109 adjusted county average by at least twenty-five percent.

110 (3) For purposes of applying the redistribution formula to a municipality which is partly
111 within the county levying the tax, the distribution shall be calculated alternately for the
112 municipality as a whole, except that the factor for annexed portion of the county shall not be
113 applied to the portion of the municipality which is not within the county levying the tax, and for
114 the portion of the municipality within the county levying the tax. Whichever calculation results
115 in the larger distribution to the municipality shall be used.

116 (4) Notwithstanding any other provision of this section, the fifty percent of additional
117 sales taxes as described in section 99.845 arising from economic activities within the area of a
118 redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865,
119 while tax increment financing remains in effect shall be deducted from all calculations of
120 countywide sales taxes, shall be distributed directly to the municipality involved, and shall be

121 disregarded in calculating the amounts distributed or distributable to the municipality. Further,
122 any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality
123 and any other political subdivision which provides for an appropriation of incremental sales tax
124 revenues to the special allocation fund of a tax increment financing project while tax increment
125 financing remains in effect shall continue to be in full force and effect and the sales taxes so
126 appropriated shall be deducted from all calculations of countywide sales taxes, shall be
127 distributed directly to the municipality involved, and shall be disregarded in calculating the
128 amounts distributed or distributable to the municipality. In addition, and notwithstanding any
129 other provision of this chapter to the contrary, economic development funds shall be distributed
130 in full to the municipality in which the sales producing them were deemed consummated.
131 Additionally, economic development funds shall be deducted from all calculations of countywide
132 sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the
133 municipality. As used in this subdivision, the term "economic development funds" means the
134 amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to
135 chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as
136 security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations
137 under any agreement authorized by chapter 100, entered into or adopted prior to September 1,
138 1993, between a municipality and another public body. The cumulative amount of economic
139 development funds allowed under this provision shall not exceed the total amount necessary to
140 amortize the obligations involved.

141 6. If the qualified voters of any city, town or village vote to change or alter its boundaries
142 by annexing any unincorporated territory included in group B or if the qualified voters of one or
143 more city, town or village in group A and the qualified voters of one or more city, town or village
144 in group B vote to consolidate, the area annexed or the area consolidated which had been a part
145 of group B shall remain a part of group B after annexation or consolidation. After the effective
146 date of the annexation or consolidation, the annexing or consolidated city, town or village shall
147 receive a percentage of the group B distributable revenue equal to the percentage ratio that the
148 population of the annexed or consolidated area bears to the total population of group B and such
149 annexed area shall not be classified as unincorporated area for determination of the percentage
150 allocable to the county. If the qualified voters of any two or more cities, towns or villages in
151 group A each vote to consolidate such cities, towns or villages, then such consolidated cities,
152 towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630,
153 population shall be as determined by the last federal decennial census or the latest census that
154 determines the total population of the county and all political subdivisions therein. For the
155 purpose of calculating the adjustment based on the percentage of unincorporated county
156 population which is annexed after April 1, 1993, the accumulated percentage immediately before

157 each census shall be used as the new percentage base after such census. After any annexation,
158 incorporation or other municipal boundary change affecting the unincorporated area of the
159 county, the chief elected official of the county shall certify the new population of the
160 unincorporated area of the county and the percentage of the population which has been annexed
161 or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county
162 sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its
163 governing body cease to be a part of group A and become a part of group B. Within ten days
164 after the adoption of the ordinance transferring the city, town or village from one group to the
165 other, the clerk of the transferring city, town or village shall forward to the director of revenue,
166 by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its
167 former group shall cease and as a part of its new group shall begin on the first day of January of
168 the year following notification to the director of revenue, provided such notification is received
169 by the director of revenue on or before the first day of July of the year in which the transferring
170 ordinance is adopted. If such notification is received by the director of revenue after the first day
171 of July of the year in which the transferring ordinance is adopted, then distribution to such city
172 as a part of its former group shall cease and as a part of its new group shall begin the first day
173 of July of the year following such notification to the director of revenue. Once a group A city,
174 town or village becomes a part of group B, such city may not transfer back to group A.

175 7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk
176 of the municipality shall forward to the director of revenue, by registered mail, a certified copy
177 of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect
178 the effective date thereof, and shall be accompanied by a map of the municipality clearly
179 showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and
180 map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in
181 accordance with the provisions of this section on the effective date of the change of the
182 municipal boundary so that the proper percentage of group B distributable revenue is allocated
183 to the municipality in proportion to any annexed territory. If any area of the unincorporated
184 county elects to incorporate subsequent to the effective date of the county sales tax as set forth
185 in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group
186 B. The city clerk of such newly incorporated municipality shall forward to the director of
187 revenue, by registered mail, a certified copy of the incorporation election returns and a map of
188 the municipality clearly showing the boundaries thereof. The certified copy of the incorporation
189 election returns shall reflect the effective date of the incorporation. Upon receipt of the
190 incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be
191 distributed and allocated in accordance with the provisions of this section on the effective date
192 of the incorporation.

193 8. The director of revenue may authorize the state treasurer to make refunds from the
194 amounts in the trust fund and credited to any county for erroneous payments and overpayments
195 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
196 If any county abolishes the tax, the county shall notify the director of revenue of the action at
197 least ninety days prior to the effective date of the repeal and the director of revenue may order
198 retention in the trust fund, for a period of one year, of two percent of the amount collected after
199 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
200 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
201 after the effective date of abolition of the tax in such county, the director of revenue shall remit
202 the balance in the account to the county and close the account of that county. The director of
203 revenue shall notify each county of each instance of any amount refunded or any check redeemed
204 from receipts due the county.

205 9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085
206 [and] to 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to
2 67.395 on behalf of any county, [less one percent for cost of collection which shall be deposited
3 in the state's general revenue fund after payment of premiums for surety bonds as provided in
4 section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby
5 created, to be known as the "County Anti-Drug Sales Tax Trust Fund". [The moneys in the
6 county anti-drug sales tax trust fund shall not be deemed to be state funds and shall not be
7 commingled with any funds of the state.] The director of revenue shall keep accurate records of
8 the amount of money in the trust fund which was collected in each county imposing a sales tax
9 under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the
10 county and the public. Not later than the tenth day of each month, the director of revenue shall
11 distribute all moneys deposited in the trust fund during the preceding month to the county which
12 levied the tax. Such funds shall be deposited with the county treasurer of each such county, and
13 all expenditures of funds arising from the county anti-drug sales tax trust fund shall be by an
14 appropriation act to be enacted by the governing body of each such county.

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

23 after the effective date of abolition of the tax in such county, the director of revenue shall
24 authorize the state treasurer to remit the balance in the account to the county and close the
25 account of that county. The director of revenue shall notify each county of each instance of any
26 amount refunded or any check redeemed from receipts due the county.

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

67.525. 1. All county sales taxes collected by the director of revenue under sections
2 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall
3 be deposited in the state's general revenue fund after payment of premiums for surety bonds as
4 provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust
5 fund, which fund shall be separate and apart from the county sales tax trust fund established by
6 section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state
7 funds and shall not be commingled with any funds of the state.] The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county imposing a county sales tax, and the records shall be open to the inspection of officers
10 of the county and to the public. Not later than the tenth day of each month the director of
11 revenue shall distribute all moneys deposited in the trust fund during the preceding month by
12 distributing to the county treasurer, or such other officer as may be designated by the county
13 ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the
14 sum due the county as certified by the director of revenue.

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

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

67.571. 1. The governing body of any county of the first classification with a population
2 of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in

3 addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority
 4 vote, impose a sales tax for the funding of museums and festivals. For purposes of this section,
 5 the term "funding of museums and festivals" shall mean:

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

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

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

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

16 YES NO

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

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

31 5. The governing body of any county which imposes a sales tax pursuant to this section
 32 may establish a museums and festivals board for the purpose of expending funds collected from
 33 any sales tax submitted and approved by the county's voters pursuant to this section. The board
 34 shall be comprised of six members who are appointed by the governing body of the county from
 35 a list of candidates supplied by the chair of each of the two major political parties of the county.
 36 The board shall be comprised of three members from each of the two political parties. Members
 37 shall serve for three-year terms, but of the members first appointed, one shall be appointed for
 38 a term of one year, two shall be appointed for a term of two years, and two shall be appointed

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

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

48 7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order
49 to permit sellers required to collect and report the sales tax to collect the amount required to be
50 reported and remitted, but not to change the requirements of reporting or remitting the tax, or to
51 serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may
52 authorize the use of a bracket system similar to that authorized by the provisions of section
53 144.285, and notwithstanding the provisions of that section, this new bracket system shall be
54 used where this tax is imposed and shall apply to all taxable transactions.

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

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 retailer]
23 **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087**
24 **shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a
2 township form of government and with more than sixteen thousand four hundred but less than
3 sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed
4 one-fifth of one percent on all retail sales made in the county which are subject to taxation
5 pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For
6 purposes of this section, the term "museums" means museums operating in the county, which
7 are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and
8 which are considered by the board to be a tourism attraction. The tax authorized by this section
9 shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall
10 be imposed pursuant to this section unless the governing authority submits to the voters of the
11 county, at a county or state general, primary, or special election, a proposal to authorize the
12 governing authority to impose the tax.

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

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

20 YES NO

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

23

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

30 and such proposal is approved by the required majority of the qualified voters voting thereon.

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

45 4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,
46 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax,
47 and all exemptions granted to agencies of government, organizations, and persons pursuant to
48 sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the
49 tax. The same sales tax permit, exemption certificate, and retail certificate required by sections
50 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the
51 requirements of this section, and no additional permit or exemption certificate or retail certificate
52 shall be required; except that, the director of revenue may prescribe a form of exemption
53 certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state
54 sales tax law for the collection of and for payment of taxes are hereby allowed and made
55 applicable to the tax. The penalties for violations provided in section 32.057 and sections
56 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is
57 delinquent in the payment of the amount required to be paid pursuant to this section, or in the
58 event a determination has been made against the person for taxes and penalty pursuant to this
59 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
60 be the same as that provided in sections 144.010 to 144.525.

61 5. The governing authority may authorize any museum board already existing in the
62 county, or may establish a museum board, to expend revenue collected pursuant to this section.
63 In the event that no museum board already exists, the board established pursuant to this section
64 shall consist of six members who are appointed by the governing authority from a list of
65 candidates supplied by the chair of each of the two major political parties of the county, with

66 three members from each of the two parties. Members shall serve for three-year terms, but of
 67 the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be
 68 appointed for a term of two years, and two shall be appointed for a term of three years. Each
 69 member shall be a resident of the county. The members shall not receive compensation for
 70 service on the board, but shall be reimbursed from the revenues collected pursuant to this section
 71 for any reasonable and necessary expenses incurred in service on the board. The board shall
 72 determine in what manner the revenues will be expended, and disbursements of these moneys
 73 shall be made strictly in accordance with this section. Expenditures may be made for the
 74 employment of personnel selected by the board to assist in carrying out the duties of the board,
 75 and the board is expressly authorized to employ such personnel.

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

79 Shall the county of (insert name of county) repeal the sales tax of
 80 (insert rate of percent) percent for the funding of museums?

81 YES NO

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

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 the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county
 2 of the first class having a charter form of government and having a population of nine hundred
 3 thousand or more may impose an additional countywide sales tax upon approval by a vote of the
 4 qualified voters of the county. The proposal may be submitted to the voters by the governing
 5 body of the county and shall be submitted to the voters at the next general election upon petitions
 6 signed by a number of qualified voters residing in the county equal to at least eight percent of
 7 the votes cast in the county in the next preceding gubernatorial election filed with the governing
 8 body of the county. The submission shall include the levying of a sales tax at a rate of not to
 9 exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale
 10 at retail of all tangible personal property or taxable services within the county which are also
 11 taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution
 12 of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If
 13 either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this
 14 section is approved by the voters, then the alternative system of distribution may not be
 15 submitted to the voters for at least three years from the date of such voter approval.

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

17 Shall the County of levy an additional sales tax at the rate of (insert rate)
18 and distribute the proceeds in the manner provided in (insert proper reference)
19 (subsection 4)(subsection 5) of section 67.581, RSMo?

20 YES NO

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

25

26 If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal,
27 then the governing body of the county shall have no power to impose the additional sales tax
28 authorized by this section unless and until a proposal for the levy of such tax is submitted to and
29 approved by the voters of the county.

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

34 4. In any county adopting an additional sales tax pursuant to the provisions of this
35 section, and selecting the method of distribution provided in this subsection, the proceeds from
36 the sales tax imposed pursuant to this section, less one percent collection cost, shall be
37 distributed first to those municipalities that did not receive during the preceding calendar year
38 ninety-five percent of the amount the municipality would have received by multiplying the
39 population of the municipality by the average per capita sales tax receipt for such county in an
40 amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent
41 of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections
42 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant
43 to this section shall be distributed to all municipalities on the ratio that the population of each
44 municipality bears to the total population of the county. The average per capita sales tax
45 distribution shall be calculated by dividing the sum of the total sales tax revenue derived from
46 the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county.
47 Population of each municipality, of the unincorporated area of the county, and the total
48 population of the county shall be determined on the basis of the most recent federal decennial
49 census. For the purposes of this subsection, any city, town, village or the unincorporated area
50 of the county shall be considered a municipality.

51 5. In any county adopting an additional sales tax pursuant to the provisions of this
52 section and selecting the method of distribution provided in this subsection, the proceeds from

53 the sales tax imposed pursuant to this section, less one percent collection cost, shall be
 54 distributed to all cities, towns and villages, and the unincorporated areas of the county in group
 55 B and to such cities, towns and villages in group A as necessary so that no city, town, or village
 56 in group A receives from the combined proceeds of both the sales tax imposed pursuant to this
 57 section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita
 58 amount received by the cities, towns and villages and the unincorporated area of the county in
 59 group B receives from the total proceeds from both sales taxes.

60 6. The governing body of any county which is imposing a sales tax under the provisions
 61 of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the
 62 governing body of the county signed by a number of qualified voters residing in the county equal
 63 to at least eight percent of the votes cast in the county at the next preceding gubernatorial
 64 election, submit to the qualified voters of the county a proposal to change the method of
 65 distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620
 66 to the method provided in this subsection. The ballot of submission shall be in substantially the
 67 following form:

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

72 YES NO

73 If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon
 74 are in favor of the proposal, the sales tax imposed by the county under the provisions of sections
 75 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the
 76 manner provided in subsection 2 of section 66.620.

77
 78 If a majority of the votes cast by the qualified voters of the county voting thereon are opposed
 79 to the proposal, then the governing body of the county shall have no power to order the proceeds
 80 from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner
 81 provided in this subsection in lieu of the method provided in subsection 2 of section 66.620,
 82 unless and until a proposal authorizing such method of distribution is submitted to and approved
 83 by the voters of the county. If the voters approve the change in the method of distribution of the
 84 sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall
 85 notify the director of revenue of the change in the method of distribution within ten days after
 86 adoption of the proposal and shall inform the director of the effective date of the change in the
 87 method of distribution, which shall be on the first day of the third calendar quarter after the
 88 director of revenue receives notice. After the effective date of the change in the manner of

89 distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such
90 county under the provisions of sections 66.600 to 66.630 in the manner provided in this
91 subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The
92 proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any
93 county which elects to have the proceeds distributed in the manner provided in this subsection
94 shall be distributed in the following manner:

95 (1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages
96 in group A and to the cities, towns and villages, and the county in group B as defined in section
97 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the
98 total amount distributed under section 66.620 for the twelve-month period immediately
99 preceding the effective date of the tax levied pursuant to the provisions of this section has been
100 distributed;

101 (2) All moneys received in excess of the total amount distributed under section 66.620
102 for the twelve-month period immediately preceding the effective date of the tax levied pursuant
103 to the provisions of this section shall be distributed to all cities, towns and villages and to the
104 county on the basis that the population of each city, town or village, and in the case of the county
105 the basis that the population of the unincorporated area of the county, bears to the total
106 population of the county. The average per capita sales tax distribution shall be calculated by
107 dividing the sum of the remaining amount of the total sales tax revenues by the total population
108 of the county. Population of each city, town or village, of the unincorporated area of the county,
109 and the total population of the county shall be determined on the basis of the most recent federal
110 decennial census.

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

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

123 9. No tax shall be imposed pursuant to this section for the purpose of funding in whole
124 or in part the construction, operation or maintenance of a sports stadium, field house, indoor or

125 outdoor recreational facility, center, playing field, parking facility or anything incidental or
126 necessary to a complex suitable for any type of professional sport, either upon, above or below
127 the ground.

128 10. The director of revenue may authorize the state treasurer to make refunds from the
129 amounts in the trust fund and credited to any county for erroneous payments and overpayments
130 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
131 If any county abolishes the tax, the county shall notify the director of revenue of the action at
132 least ninety days prior to the effective date of the repeal and the director of revenue may order
133 retention in the trust fund, for a period of one year, of two percent of the amount collected after
134 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
135 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
136 after the effective date of abolition of the tax in such county, the director of revenue shall remit
137 the balance in the account to the county and close the account of that county. The director of
138 revenue shall notify each county of each instance of any amount refunded or any check redeemed
139 from receipts due the county.

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 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"; or

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

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

28 YES NO

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

31

32 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
33 of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or
34 order and any amendments thereto shall be in effect [on the first day of the second quarter
35 immediately following the election approving the proposal] **as provided by section 32.087**. If
36 the constitutionally required percentage of the voters voting thereon are in favor of the proposal
37 submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any
38 amendments thereto shall be in effect [on the first day of the second quarter immediately
39 following the election approving the proposal] **as provided by section 32.087**. If a proposal
40 receives less than the required majority, then the governing body of the county shall have no
41 power to impose the sales tax herein authorized unless and until the governing body of the
42 county shall again have submitted another proposal to authorize the governing body of the county
43 to impose the sales tax authorized by this section and such proposal is approved by the required
44 majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant
45 to this section be submitted to the voters sooner than twelve months from the date of the last
46 proposal pursuant to this section.

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

53 4. Once the tax authorized by this section is abolished or is terminated by any means, all
54 funds remaining in the special trust fund shall be used solely for providing law enforcement
55 services for the county. Any funds in such special trust fund which are not needed for current

56 expenditures may be invested by the governing body in accordance with applicable laws relating
57 to the investment of other county funds.

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

74 6. The director of revenue may authorize the state treasurer to make refunds from the
75 amounts in the trust fund and credited to any county for erroneous payments and overpayments
76 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
77 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
78 **section 32.087**. The county shall notify the director of revenue of the action at least ninety days
79 prior to the effective date of the repeal and the director of revenue may order retention in the trust
80 fund, for a period of one year, of two percent of the amount collected after receipt of such notice
81 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
82 deposited to the credit of such accounts. After one year has elapsed after the effective date of
83 abolition of the tax in such county, the director of revenue shall remit the balance in the account
84 to the county and close the account of that county. The director of revenue shall notify each
85 county of each instance of any amount refunded or any check redeemed from receipts due the
86 county.

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

67.583. 1. The governing body of any county of the second class with a population of
2 more than forty thousand but less than sixty thousand and which contains institutions operated
3 by the department of corrections and by the department of mental health is hereby authorized to

4 impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail
 5 sales made in such county which are subject to taxation under the provisions of sections 144.010
 6 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes
 7 allowed by law; provided, however, that no ordinance or order imposing a sales tax under the
 8 provisions of this section shall be effective unless the governing body of the county submits to
 9 the voters of the county, at a county or state general, primary or special election, a proposal to
 10 authorize the 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 Shall the county of (county's name) impose a countywide sales tax of
 14 (insert amount) for the purpose of providing retirement and health care benefits for county
 15 employees and their dependents?

16 YES NO

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. If a
 22 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
 23 governing body of the county shall have no power to impose the sales tax herein authorized
 24 unless and until the governing body of the county shall again have submitted another proposal
 25 to authorize the governing body of the county to impose the sales tax authorized by this section
 26 and such proposal is approved by a majority of the qualified voters voting thereon. However,
 27 in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve
 28 months from the date of the last proposal pursuant to this section.

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

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

40 shall be open to the inspection of officers of the county and the public. Not later than the tenth
41 day of each month, the director of revenue shall distribute all moneys deposited in the trust fund
42 during the preceding month to the county which levied the tax. Such funds shall be deposited
43 with the county treasurer of each such county, and all expenditures of funds arising from the
44 county employee benefit sales tax trust fund shall be for the provision of retirement benefits or
45 health care benefits for employees of the county and their dependents and for no other purpose.

46 5. The director of revenue may authorize the state treasurer to make refunds from the
47 amounts in the trust fund and credited to any county for erroneous payments and overpayments
48 made and may redeem dishonored checks and drafts deposited to the credit of such counties. If
49 any county abolishes the tax, the county shall notify the director of revenue of the action at least
50 ninety days prior to the effective date of the repeal and the director of revenue may order
51 retention in the trust fund, for a period of one year, of two percent of the amount collected after
52 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
53 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
54 after the effective date of abolition of the tax in such county, the director of revenue shall remit
55 the balance in the account to the county and close the account of that county. The director of
56 revenue shall notify each county of each instance of any amount refunded or any check redeemed
57 from receipts due the county.

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

60 67.584. 1. The governing body of any county of the first classification with more than
61 one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred
62 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of
63 up to one-half percent on all retail sales made in such county which are subject to taxation
64 pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services
65 for such county. The tax authorized by this section shall be in addition to any and all other sales
66 taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this
67 section shall be effective unless the governing body of the county submits to the voters of the
68 county, at a county or state general, primary, or special election, a proposal to authorize the
69 governing body of the county to impose a tax.
70

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

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

76 YES NO

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 submitted pursuant to this subsection, then the ordinance or order and any
22 amendments thereto shall be in effect [on the first day of the second quarter immediately
23 following the election approving the proposal] **as provided by section 32.087**. If a proposal
24 receives less than the required majority, then the governing body of the county shall have no
25 power to impose the sales tax herein authorized unless and until the governing body of the
26 county shall again have submitted another proposal to authorize the governing body of the county
27 to impose the sales tax authorized by this section and such proposal is approved by the required
28 majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant
29 to this section be submitted to the voters sooner than twelve months from the date of the last
30 proposal pursuant to this section.

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

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

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

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

61 6. The director of revenue may authorize the state treasurer to make refunds from the
62 amounts in the trust funds and credited to any county for erroneous payments and overpayments
63 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
64 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
65 **section 32.087.** The county shall notify the director of revenue of the action at least ninety days
66 before the effective date of the repeal and the director of revenue may order retention in the
67 appropriate trust fund, for a period of one year, of two percent of the amount collected after
68 receipt of such notice to cover possible refunds or overpayments of the tax and to redeem
69 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
70 after the effective date of abolition of the tax in such county, the director of revenue shall remit
71 the balance in the account to the county and close the account of that county established pursuant
72 to this section. The director of revenue shall notify each county of each instance of any amount
73 refunded or any check redeemed from receipts due the county.

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

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

13 county ordinance or order, of each county imposing the tax authorized by sections 67.700 to
14 67.727, the sum, as certified by the director of revenue, due the county.

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

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

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

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

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

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

28 2. The director of revenue may make refunds from the amounts in the county-municipal
29 storm water and public works sales tax trust fund and credited to any county or municipality for
30 erroneous payments and overpayments made, and may redeem dishonored checks and drafts
31 deposited to the credit of such county or municipality. If any county abolishes the tax, the county
32 shall notify the director of revenue of the action at least ninety days prior to the effective date of
33 the repeal and **the repeal shall be effective as provided by section 32.087**. The director of
34 revenue may order retention in the county-municipal storm water and public works sales tax trust
35 fund, for a period of one year, of two percent of the amount collected after receipt of such notice
36 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
37 deposited to the credit of such accounts. After one year has elapsed after the effective date of
38 abolition of the tax in such county, the director of revenue shall remit the balance in the account
39 to the county or municipality and close the account of that county or municipality. The director
40 of revenue shall notify each county or municipality of each instance of any amount refunded or
41 any check redeemed from receipts due the county or municipality.

42 3. If the governing body of any municipality located wholly or partially within the county
43 so requests by resolution, no funds shall be expended from the proceeds of any tax imposed
44 under section 67.701 within the corporate boundaries of the requesting municipality for the
45 construction, reconstruction or widening of any road established or to be established pursuant
46 to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) A
47 public hearing is first held at a place near such proposed action; and (b) Plans and specifications
48 of such proposed action are prepared and a cost-benefit analysis prepared in accordance with
49 accepted accounting principles of such proposed action is presented to such public hearing. Such
50 cost-benefit analysis and its work papers shall be a public document and subject to inspection
51 as provided in chapter 610. The provisions of this subsection shall not apply to proposed
52 projects in unincorporated areas of the county.

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

7 2. Notwithstanding the provisions of section 67.712 as to the disposition of any other
8 sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by
9 the director of revenue from the tax authorized by this section on behalf of any county[, less one
10 percent for cost of collection, which shall be deposited in the state's general revenue fund after
11 payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with
12 the state treasurer in a special trust fund, which is hereby created, to be known as the "County
13 Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water
14 and public works sales tax trust fund shall not be deemed to be state funds and shall not be
15 commingled with any funds of the state.] The director of revenue shall keep accurate records of
16 the amount of money in the trust fund which was collected in each county imposing a sales tax
17 under this section and the records shall be open to the inspection of officers of the county and
18 the public. Not later than the tenth day of each month the director of revenue shall distribute all
19 moneys deposited in the county storm water and public works sales tax trust fund during the
20 preceding month to the county which levied the tax, and the municipalities which are located
21 wholly or partially within such county as follows:

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

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

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

32 3. The director of revenue may authorize the state treasurer to make refunds from the
33 amounts in the county storm water and public works sales tax trust fund and credited to any
34 county for erroneous payments and overpayments made, and may redeem dishonored checks and
35 drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall
36 notify the director of revenue of the action at least ninety days prior to the effective date of the

37 repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue
38 may order retention in the county storm water and public works sales tax trust fund, for a period
39 of one year, of two percent of the amount collected after receipt of such notice to cover possible
40 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the
41 credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
42 in such county, the director of revenue shall authorize the state treasurer to remit the balance in
43 the account to the county and close the account of that county. The director of revenue shall
44 notify each county of each instance of any amount refunded or any check redeemed from receipts
45 due the county.

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

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to
2 67.739 on behalf of any county [, less one percent for the cost of collection, which shall be
3 deposited in the state's general revenue fund after payment of premiums for surety bonds as
4 provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund,
5 which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust
6 Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be
7 deemed to be state funds and shall not be commingled with any funds of the state.] The director
8 of revenue shall keep accurate records of the amount of money in the trust fund which was
9 collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records
10 shall be open to the inspection of officers of each county and the general public. Not later than
11 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
12 trust fund during the preceding month by distributing to the county treasurer, or such other
13 officer as may be designated by the county ordinance or order, of each county imposing the tax
14 authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the
15 county.

2. The director of revenue may authorize the state treasurer to make refund from the
17 amounts in the trust fund and credited to any county for erroneous payments and overpayments
18 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
19 If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the
20 director of revenue of the action at least ninety days prior to the effective date of the repeal or
21 expiration and **the repeal shall be effective as provided by section 32.087**. The director of
22 revenue may order retention in the trust fund, for a period of one year, of two percent of the
23 amount collected after receipt of such notice to cover possible refunds or overpayment of such
24 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
25 one year has elapsed after the effective date of repeal or expiration of the tax authorized by

26 sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the
27 account to the county and close the account of that county. The director of revenue shall notify
28 each county of each instance of any amount refunded or any check redeemed from receipts due
29 the county.

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

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

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

11 YES NO

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

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

21 5. All revenue collected from the sales tax under this section by the director of revenue
22 on behalf of a county[, less one percent for the cost of collection which shall be deposited in the
23 state's general revenue fund after payment of premiums for surety bonds as provided in section
24 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby
25 created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall
26 not be deemed to be state funds and shall not be commingled with any funds of the state.] The
27 director of revenue shall keep accurate records of the amount of money in the trust fund collected
28 in each county imposing a sales tax under this section, and the records shall be open to the
29 inspection of officers of such county and the general public. Not later than the tenth day of each
30 calendar month, the director of revenue shall distribute all moneys deposited in the trust fund
31 during the preceding calendar month by distributing to the county treasurer, or such officer as

32 may be designated by county ordinance or order, of each county imposing the tax under this
33 section the sum due the county as certified by the director of revenue.

34 6. The director of revenue may authorize the state treasurer to make refunds from the
35 amounts in the trust fund and credited to any county for erroneous payments and overpayments
36 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
37 Each county shall notify the director of revenue at least ninety days prior to the effective date of
38 the expiration of the sales tax authorized by this section and **the repeal shall be effective as**
39 **provided by section 32.087.** The director of revenue may order retention in the trust fund for
40 a period of one year of two percent of the amount collected after receipt of such notice to cover
41 possible refunds or overpayments of such tax and to redeem dishonored checks and drafts
42 deposited to the credit of such accounts. After one year has elapsed after the date of expiration
43 of the tax authorized by this section in a county, the director of revenue shall remit the balance
44 in the account to the county and close the account of such county. The director of revenue shall
45 notify each county of each instance of any amount refunded or any check redeemed from receipts
46 due such county.

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

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

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

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

67.782. 1. Any county of the third class having a population of more than ten thousand
2 and less than fifteen thousand and any county of the second class having a population of more
3 than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both
4 counties making up the same judicial circuit, may jointly impose a sales tax throughout each of
5 their respective counties for public recreational purposes including the financing, acquisition,
6 construction, operation and maintenance of recreational projects and programs, but the sales
7 taxes authorized by this section shall not become effective unless the governing body of each
8 such county submits to the voters of their respective counties a proposal to authorize the counties
9 to impose the sales tax.

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

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

15 YES NO

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

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

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

42 5. The director of revenue may authorize the state treasurer to make refunds from the
 43 amounts in the trust fund and credited to any county for erroneous payments and overpayments
 44 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
 45 Each county shall notify the director of revenue at least ninety days prior to the effective date of
 46 the expiration of the sales tax authorized by this section and **the repeal shall be effective as**

47 **provided by section 32.087.** The director of revenue may order retention in the trust fund, for
48 a period of one year, of two percent of the amount collected after receipt of such notice to cover
49 possible refunds or overpayment of such tax and to redeem dishonored checks and drafts
50 deposited to the credit of such accounts. After one year has elapsed after the date of expiration
51 of the tax authorized by this section in such county, the director of revenue shall remit the
52 balance in the account to the county and close the account of that county. The director of
53 revenue shall notify each county of each instance of any amount refunded or any check redeemed
54 from receipts due the county.

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

57 7. Any county imposing a sales tax pursuant to the provisions of this section may
58 contract with the authority of any other county or with any city or political subdivision for the
59 financing, acquisition, operation, construction, maintenance, or utilization of any recreation
60 facility or project or program funded in whole or in part from revenues derived from the tax
61 levied pursuant to the provisions of this section.

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

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

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

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

67.799. 1. A regional recreational district may, by a majority vote of its board of
2 directors, impose an annual property tax for the establishment and maintenance of public parks
3 and recreational facilities and grounds within the boundaries of the regional recreational district
4 not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all
5 property within the district, except that no such tax shall become effective unless the board of

6 directors of the district submits to the voters of the district, at a county or state general, primary
7 or special election, a proposal to authorize the tax.

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

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

11 YES NO

12 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
13 of the proposal, then the tax shall become effective. If a majority of the votes cast by the
14 qualified voters voting are opposed to the proposal, then the board of directors shall have no
15 power to impose the tax unless and until the board of directors of the district submits another
16 proposal to authorize the tax and such proposal is approved by a majority of the qualified voters
17 voting thereon.

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

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

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

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

33 YES NO

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

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

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

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

18 Shall (insert the name of the county) impose a sales tax at a
 19 rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half
 20 the cost of collection, to be used solely to fund senior services provided by the county and half
 21 of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth
 22 programs provided by the county?

23 YES NO

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

26

27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 28 of the question, then the tax shall become effective on the first day of the second calendar quarter

29 immediately following the approval of the tax or notification to the department of revenue if such
30 tax will be administered by the department of revenue. If a majority of the votes cast on the
31 question by the qualified voters voting thereon are opposed to the question, then the tax shall not
32 become effective unless and until the question is resubmitted under this section to the qualified
33 voters and such question is approved by a majority of the qualified voters voting on the question.

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

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

61 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,
62 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[,
63 and all exemptions granted to agencies of government, organizations, and persons under sections
64 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The

65 same sales tax permit, exemption certificate, and retail certificate required by sections 144.010
 66 to 144.525 for the administration and collection of the state sales tax shall satisfy the
 67 requirements of this section, and no additional permit or exemption certificate or retail certificate
 68 shall be required; except that, the director of revenue may prescribe a form of exemption
 69 certificate for an exemption from the tax. All discounts allowed the retailer under the state sales
 70 tax for the collection of and for payment of taxes are hereby allowed and made applicable to the
 71 tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are
 72 hereby made applicable to violations of this section. If any person is delinquent in the payment
 73 of the amount required to be paid under this section, or in the event a determination has been
 74 made against the person for taxes and penalty under this section, the limitation for bringing suit
 75 for the collection of the delinquent tax and penalty shall be the same as that provided in sections
 76 144.010 to 144.525].

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

80 Shall (insert the name of the county) repeal the sales tax imposed
 81 at a rate of (insert rate of percent) percent for the purpose of funding senior services and
 82 youth programs provided by the county?

83 YES NO

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

86
 87 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 88 of repeal, that repeal shall become effective [on December thirty-first of the calendar year in
 89 which such repeal was approved] **as provided by section 32.087.**

90 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed
 91 to the repeal, then the sales tax authorized in this section shall remain effective until the question
 92 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
 93 of the qualified voters voting on the question.

94 7. Whenever the governing body of any county that has adopted the sales tax authorized
 95 in this section receives a petition, signed by ten percent of the registered voters of the county
 96 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed
 97 under this section, the governing body shall submit to the voters of the county a proposal to
 98 repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
 99 thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of
 100 the calendar year in which such repeal was approved] **as provided by section 32.087.** If a

101 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
102 the repeal, then the sales tax authorized in this section shall remain effective until the question
103 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
104 of the qualified voters voting on the question.

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

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

67.1300. 1. The governing body of any of the contiguous counties of the third
2 classification without a township form of government enumerated in subdivisions (1) to (5) of
3 this subsection or in any county of the fourth classification acting as a county of the second
4 classification, having a population of at least forty thousand but less than forty-five thousand
5 with a state university, and adjoining a county of the first classification with part of a city with
6 a population of three hundred fifty thousand or more inhabitants or a county of the third
7 classification with a township form of government and with a population of at least eight
8 thousand but less than eight thousand four hundred inhabitants or a county of the third
9 classification with more than fifteen townships having a population of at least twenty-one
10 thousand inhabitants or a county of the third classification without a township form of
11 government and with a population of at least seven thousand four hundred but less than eight
12 thousand inhabitants or any county of the third classification with a population greater than three
13 thousand but less than four thousand or any county of the third classification with a population
14 greater than six thousand one hundred but less than six thousand four hundred or any county of
15 the third classification with a population greater than six thousand eight hundred but less than
16 seven thousand or any county of the third classification with a population greater than seven

17 thousand eight hundred but less than seven thousand nine hundred or any county of the third
18 classification with a population greater than eight thousand four hundred sixty but less than eight
19 thousand five hundred or any county of the third classification with a population greater than
20 nine thousand but less than nine thousand two hundred or any county of the third classification
21 with a population greater than ten thousand five hundred but less than ten thousand six hundred
22 or any county of the third classification with a population greater than twenty-three thousand five
23 hundred but less than twenty-three thousand seven hundred or a county of the third classification
24 with a population greater than thirty-three thousand but less than thirty-four thousand or a county
25 of the third classification with a population greater than twenty thousand eight hundred but less
26 than twenty-one thousand or a county of the third classification with a population greater than
27 fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the
28 third classification with a population greater than twenty thousand eight hundred fifty but less
29 than twenty-two thousand or a county of the third classification with a population greater than
30 thirty-nine thousand but less than forty thousand or a county of the third classification with a
31 township form of organization and a population greater than twenty-eight thousand but less than
32 twenty-nine thousand or a county of the third classification with a population greater than fifteen
33 thousand but less than fifteen thousand five hundred or a county of the third classification with
34 a population greater than eighteen thousand but less than nineteen thousand seventy or a county
35 of the third classification with a population greater than thirteen thousand nine hundred but less
36 than fourteen thousand four hundred or a county of the third classification with a population
37 greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county
38 of the first classification without a charter form of government and a population of at least eighty
39 thousand but not greater than eighty-three thousand or a county of the third classification with
40 a population greater than fifteen thousand but less than fifteen thousand nine hundred without
41 a township form of government which does not adjoin any county of the first, second or fourth
42 classification or a county of the third classification with a population greater than twenty-three
43 thousand but less than twenty-five thousand without a township form of government which does
44 not adjoin any county of the second or fourth classification and does adjoin a county of the first
45 classification with a population greater than one hundred twenty thousand but less than one
46 hundred fifty thousand or in any county of the fourth classification acting as a county of the
47 second classification, having a population of at least forty-eight thousand or any governing body
48 of a municipality located in any of such counties may impose, by ordinance or order, a sales tax
49 on all retail sales made in such county or municipality which are subject to taxation pursuant to
50 the provisions of sections 144.010 to 144.525:

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

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

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

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

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

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

63 3. The tax authorized by this section shall be in addition to any and all other sales taxes
64 allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions
65 of this section shall be effective unless the governing body of the county or municipality submits
66 to the voters of the county or municipality, at a regularly scheduled county, municipal or state
67 general or primary election, a proposal to authorize the governing body of the county or
68 municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be
69 authorized for a period of more than five years.

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

71 Shall the (city, town, village or county) of impose a sales tax of (insert
72 amount) for the purpose of economic development in the (city, town, village or county)?

73 YES NO

74 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
75 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the
76 first day of the second quarter after the director of revenue receives notice of adoption of the tax.

77 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
78 governing body of the county or municipality shall not impose the sales tax authorized in this
79 section until the governing body of the county or municipality resubmits another proposal to
80 authorize the governing body of the county or municipality to impose the sales tax authorized
81 by this section and such proposal is approved by a majority of the qualified voters voting
82 thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months
83 from the date of the submission of the last such proposal.

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

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

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

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

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

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

115 11. If any county or municipality abolishes the tax, the county or municipality shall
116 notify the director of revenue of the action at least ninety days prior to the effective date of the
117 repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue
118 may order retention in the trust fund, for a period of one year, of two percent of the amount
119 collected after receipt of such notice to cover possible refunds or overpayment of the tax and to
120 redeem dishonored checks and drafts deposited to the credit of such accounts. After one year
121 has elapsed after the effective date of abolition of the tax in such county or municipality, the
122 director of revenue shall remit the balance in the account to the county or municipality and close
123 the account of that county or municipality. The director of revenue shall notify each county or

124 municipality of each instance of any amount refunded or any check redeemed from receipts due
125 the county or municipality.

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

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

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

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

133 (3) Provision of infrastructure and sites for industrial development or for public
134 infrastructure projects; and

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

67.1303. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any
5 county of the first classification with more than one hundred four thousand six hundred but less
6 than one hundred four thousand seven hundred inhabitants and the governing body of any county
7 of the third classification without a township form of government and with more than forty
8 thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within
9 such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or
10 county which are subject to sales tax under chapter 144. In addition, the governing body of any
11 county of the first classification with more than eighty-five thousand nine hundred but less than
12 eighty-six thousand inhabitants or the governing body of any home rule city with more than
13 seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or
14 ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax
15 under chapter 144. The tax authorized in this section shall not be more than one-half of one
16 percent. The order or ordinance imposing the tax shall not become effective unless the
17 governing body of the city or county submits to the voters of the city or county at a state general
18 or primary election a proposal to authorize the governing body to impose a tax under this section.
19 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
20 shall be stated separately from all other charges and taxes.

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

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

25 YES NO

26 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
27 of the question, then the tax shall become effective [on the first day of the second calendar
28 quarter following the calendar quarter in which the election was held] **as provided by section**
29 **32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are
30 opposed to the question, then the tax shall not become effective unless and until the question is
31 resubmitted under this section to the qualified voters and such question is approved by a majority
32 of the qualified voters voting on the question, provided that no proposal shall be resubmitted to
33 the voters sooner than twelve months from the date of the submission of the last proposal.

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

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

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

55 5. **The director of revenue may authorize the state treasurer to make refunds from**
56 **the amounts in the trust fund and credited to any city or county for erroneous payments**
57 **and overpayments made, and may redeem dishonored checks and drafts deposited to the**
58 **credit of such counties and municipalities. If any city or county abolishes the tax**

59 **authorized under this section, the repeal of such tax shall become effective December**
60 **thirty-first of the calendar year in which such abolishment was approved. Each city or**
61 **county shall notify the director of revenue at least ninety days prior to the effective date**
62 **of the expiration of the sales tax authorized by this section, and the repeal shall be effective**
63 **as provided by section 32.087. The director of revenue may order retention in the trust**
64 **fund, for a period of one year, of two percent of the amount collected after receipt of such**
65 **notice to cover possible refunds or overpayment of such tax and to redeem dishonored**
66 **checks and drafts deposited to the credit of such accounts. After one year has elapsed from**
67 **the date of expiration of the tax authorized by this section in such city or county, the**
68 **director of revenue shall remit the balance in the account to the city or county and close**
69 **the account of that city or county. The director of revenue shall notify each city or county**
70 **of each instance of any amount refunded or any check redeemed from receipts due the city**
71 **or county.**

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

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

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

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

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

86 (5) In each city, two members shall be appointed by the governing body of the county
87 in which the city is located. In each county, two members shall be appointed by the governing
88 body of the county. At the option of the members appointed by a city or county the members
89 who are appointed by the school boards and other taxing districts may serve on the board for a
90 term to coincide with the length of time an economic development project, plan, or designation
91 of an economic development area is considered for approval by the board, or for the definite
92 terms as provided in this subsection. If the members representing school districts and other
93 taxing districts are appointed for a term coinciding with the length of time an economic
94 development project, plan, or area is approved, such term shall terminate upon final approval of

95 the project, plan, or designation of the area by the governing body of the city or county. If any
 96 school district or other taxing jurisdiction fails to appoint members of the board within thirty
 97 days of receipt of written notice of a proposed economic development plan, economic
 98 development project, or designation of an economic development area, the remaining members
 99 may proceed to exercise the power of the board. Of the members first appointed by the city or
 100 county, three shall be designated to serve for terms of two years, three shall be designated to
 101 serve for a term of three years, and the remaining members shall be designated to serve for a term
 102 of four years from the date of such initial appointments. Thereafter, the members appointed by
 103 the city or county shall serve for a term of four years, except that all vacancies shall be filled for
 104 unexpired terms in the same manner as were the original appointments.

105 [6.] 7. The board, subject to approval of the governing body of the city or county, shall
 106 develop economic development plans, economic development projects, or designations of an
 107 economic development area, and shall hold public hearings and provide notice of any such
 108 hearings. The board shall vote on all proposed economic development plans, economic
 109 development projects, or designations of an economic development area, and amendments
 110 thereto, within thirty days following completion of the hearing on any such plan, project, or
 111 designation, and shall make recommendations to the governing body within ninety days of the
 112 hearing concerning the adoption of or amendment to economic development plans, economic
 113 development projects, or designations of an economic development area.

114 [7.] 8. The board shall report at least annually to the governing body of the city or
 115 county on the use of the funds provided under this section and on the progress of any plan,
 116 project, or designation adopted under this section.

117 [8.] 9. The governing body of any city or county that has adopted the sales tax
 118 authorized in this section may submit the question of repeal of the tax to the voters on any date
 119 available for elections for the city or county. The ballot of submission shall be in substantially
 120 the following form:

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

123 YES NO

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

130 [9.] **10.** Whenever the governing body of any city or county that has adopted the sales
131 tax authorized in this section receives a petition, signed by ten percent of the registered voters
132 of the city or county voting in the last gubernatorial election, calling for an election to repeal the
133 sales tax imposed under this section, the governing body shall submit to the voters a proposal
134 to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
135 thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of
136 the calendar year in which such repeal was approved] **as provided by section 32.087.** If a
137 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
138 the repeal, then the tax shall remain effective until the question is resubmitted under this section
139 to the qualified voters and the repeal is approved by a majority of the qualified voters voting on
140 the question. **If the city or county abolishes the tax, the city or county shall notify the**
141 **director of revenue of the action at least one hundred twenty days prior to the effective**
142 **date of the repeal.**

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

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

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

3 2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the
4 governing body of any city or county may impose, by order or ordinance, a sales tax on all retail
5 sales made in the city or county which are subject to sales tax under chapter 144. The tax
6 authorized in this section shall not be more than one-half of one percent. The order or ordinance
7 imposing the tax shall not become effective unless the governing body of the city or county
8 submits to the voters of the city or county at any citywide, county or state general, primary or
9 special election a proposal to authorize the governing body to impose a tax under this section.
10 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
11 shall be stated separately from all other charges and taxes. The tax authorized in this section
12 shall not be imposed by any city or county that has imposed a tax under section 67.1300 or
13 67.1303 unless the tax imposed under those sections has expired or been repealed.

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

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

18 YES NO

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

27 4. All sales taxes collected by the director of revenue under this section on behalf of any
28 county or municipality[, less one percent for cost of collection which shall be deposited in the
29 state's general revenue fund after payment of premiums for surety bonds as provided in section
30 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the
31 "Local Option Economic Development Sales Tax Trust Fund".

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

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

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

47 8. If any county or municipality abolishes the tax, the city or county shall notify the
48 director of revenue of the action at least ninety days prior to the effective date of the repeal and
49 **the repeal shall be effective as provided by section 32.087.** The director of revenue may order

50 retention in the trust fund, for a period of one year, of two percent of the amount collected after
51 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
52 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
53 after the effective date of abolition of the tax in such city or county, the director of revenue shall
54 remit the balance in the account to the city or county and close the account of that city or county.
55 The director of revenue shall notify each city or county of each instance of any amount refunded
56 or any check redeemed from receipts due the city or county.

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

59 10. (1) No revenue generated by the tax authorized in this section shall be used for any
60 retail development project, except for the redevelopment of downtown areas and historic
61 districts. Not more than twenty-five percent of the revenue generated shall be used annually for
62 administrative purposes, including staff and facility costs.

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

66 (a) Acquisition of land;

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

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

69 (d) Extension of streets;

70 (e) Public facilities directly related to economic development and job creation; and

71 (f) Providing matching dollars for state or federal grants relating to such long-term
72 projects.

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

75 (a) Marketing;

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

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

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

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

82 11. All revenue generated by the tax shall be deposited in a special trust fund and shall
83 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
84 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
85 special trust fund which are not needed for current expenditures may be invested by the

86 governing body in accordance with applicable laws relating to the investment of other city or
87 county funds.

88 12. (1) Any city or county imposing the tax authorized in this section shall establish an
89 economic development tax board. The volunteer board shall receive no compensation or
90 operating budget.

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

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

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

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

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

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

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

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

118 (4) If an economic development tax board established by a city is already in existence
119 on August 28, 2012, any increase in the number of members of the board shall be designated in
120 an order or ordinance. The four board members added to the board shall be appointed to a term
121 with an expiration coinciding with the expiration of the terms of the three board member

122 positions that were originally appointed to terms of two years. Thereafter, the additional
123 members appointed shall serve for a term of four years, except that all vacancies shall be filled
124 for unexpired terms in the same manner as were the additional appointments.

125 13. The board, subject to approval of the governing body of the city or county, shall
126 consider economic development plans, economic development projects, or designations of an
127 economic development area, and shall hold public hearings and provide notice of any such
128 hearings. The board shall vote on all proposed economic development plans, economic
129 development projects, or designations of an economic development area, and amendments
130 thereto, within thirty days following completion of the hearing on any such plan, project, or
131 designation, and shall make recommendations to the governing body within ninety days of the
132 hearing concerning the adoption of or amendment to economic development plans, economic
133 development projects, or designations of an economic development area. The governing body
134 of the city or county shall have the final determination on use and expenditure of any funds
135 received from the tax imposed under this section.

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

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

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

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

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

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

- 158 (1) A statement of its primary economic development goals;
- 159 (2) A statement of the total economic development sales tax revenues received during
- 160 the immediately preceding calendar year;
- 161 (3) A statement of total expenditures during the preceding calendar year in each of the
- 162 following categories:
 - 163 (a) Infrastructure improvements;
 - 164 (b) Land and/or buildings;
 - 165 (c) Machinery and equipment;
 - 166 (d) Job training investments;
 - 167 (e) Direct business incentives;
 - 168 (f) Marketing;
 - 169 (g) Administration and legal expenses; and
 - 170 (h) Other expenditures.

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

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

177 YES NO

178 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become
 179 effective [on December thirty-first of the calendar year in which such repeal was approved] as
 180 provided by section 32.087. If a majority of the votes cast on the question by the qualified voters
 181 voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain
 182 effective until the question is resubmitted under this section to the qualified voters of the city or
 183 county, and the repeal is approved by a majority of the qualified voters voting on the question.

184 19. Whenever the governing body of any city or county that has adopted the sales tax
 185 authorized in this section receives a petition, signed by ten percent of the registered voters of the
 186 city or county voting in the last gubernatorial election, calling for an election to repeal the sales
 187 tax imposed under this section, the governing body shall submit to the voters a proposal to repeal
 188 the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are
 189 in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar
 190 year in which such repeal was approved. If a majority of the votes cast on the question by the
 191 qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until
 192 the question is resubmitted under this section to the qualified voters and the repeal is approved
 193 by a majority of the qualified voters voting on the question.

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

 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] **chapter 144**, except sales of [motor vehicles, trailers,
 4 boats or outboard motors and sales to or by public utilities and providers of communications,
 5 cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or**
 6 **watercraft; sales of electricity, piped natural or artificial gas, or other fuels delivered by**
 7 **the seller; and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular**
 8 **homes, manufactured homes, or mobile homes.** Any sales and use tax imposed pursuant to
 9 this section may be imposed in increments of one-eighth of one percent, up to a maximum of one
 10 percent. Such district sales and use tax may be imposed for any district purpose designated by
 11 the district in its ballot of submission to its qualified voters; except that, no resolution adopted
 12 pursuant to this section shall become effective unless the board of directors of the district
 13 submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales
 14 and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the
 15 proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of
 16 the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

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

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

23 YES NO

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

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

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

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

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

48 7.] The penalties provided in [sections 144.010 to 144.525] **chapter 144** shall apply to
49 violations of this section.

50 [8.] 7. All revenue received by the district from a sales and use tax imposed pursuant
51 to this section which is designated for a specific purpose shall be deposited into a special trust
52 fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
53 pursuant to this section, all funds remaining in the special trust fund shall continue to be used
54 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any
55 funds in such special trust fund which are not needed for current expenditures may be invested
56 by the board of directors pursuant to applicable laws relating to the investment of other district
57 funds.

58 [9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this
59 section before the expiration date of such sales and use tax unless the repeal of such sales and
60 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
61 the district has borrowed or obligation the district has issued to finance any improvements or
62 services rendered for the district.

63 [10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales
64 and use tax under this section shall be conducted in accordance with the provisions of this
65 section.

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

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

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

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

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

13 Shall County or City, solely for the purpose of establishing a community
14 children's services fund for the purpose of providing services to protect the well-being and safety

15 of children and youth nineteen years of age or less and to strengthen families, be authorized to
16 levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

17 YES NO

18 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
19 of the question, then the ordinance or order and any amendments thereto shall be in effect on the
20 first day of the second calendar quarter after the director receives notification of the local sales
21 tax. If a question receives less than the required majority, then the governing authority of the city
22 or county, or city not within a county, shall have no power to impose the sales tax unless and
23 until the governing authority of the city or county, or city not within a county, has submitted
24 another question to authorize the imposition of the sales tax authorized by this section and such
25 question is approved by the required majority of the qualified voters voting thereon. However,
26 in no event shall a question under this section be submitted to the voters sooner than twelve
27 months from the date of the last question under this section.

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

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

51 4. The director of revenue may authorize the state treasurer to make refunds from the
52 amounts in the fund and credited to any city or county, or city not within a county, for erroneous
53 payments and overpayments made, and may redeem dishonored checks and drafts deposited to
54 the credit of such counties. Each city or county, or city not within a county, shall notify the
55 director of revenue at least ninety days prior to the effective date of the expiration of the sales
56 tax authorized by this section and **the repeal shall be effective as provided by section 32.087.**
57 The director of revenue may order retention in the fund, for a period of one year, of two percent
58 of the amount collected after receipt of such notice to cover possible refunds or overpayment of
59 such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
60 After one year has elapsed after the date of expiration of the tax authorized by this section in
61 such city not within a county or such city or county, the director of revenue shall remit the
62 balance in the account to the city or county, or city not within a county, and close the account of
63 that city or county, or city not within a county. The director of revenue shall notify each city or
64 county, or city not within a county, of each instance of any amount refunded or any check
65 redeemed from receipts due the city or county.

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

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

67.1959. 1. The board, by a majority vote, may submit to the residents of such district
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, 2015**, 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 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 of the proposed district
20 voting thereon are in favor of the proposal, then the order shall become effective on the first day
21 of the second calendar quarter after the director of revenue receives notice of adoption of the tax.
22 If the proposal receives less than the required majority, then the board shall have no power to
23 impose the sales tax authorized pursuant to this section unless and until the board shall again
24 have submitted another proposal to authorize the board to impose the sales tax authorized by this
25 section and such proposal is approved by the required majority of the qualified voters of the
26 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 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
88 to the question, place an "X" in the box opposite "NO".

89

90 If a majority of the votes cast in the portion of any county that is part of the proposed district
91 favor the proposal, then the sales tax shall become effective in that portion of the county [that

92 is part of the proposed district on the first day of the first calendar quarter immediately following
93 the election] **as provided by section 32.087.**

94

95 If a majority of the votes cast in the portion of a county that is a part of the proposed district
96 oppose the proposal, then that portion of such county shall not impose the sales tax authorized
97 in this section until after the county governing body has submitted another such sales tax
98 proposal and the proposal is approved by a majority of the qualified voters voting thereon.
99 However, if a sales tax proposal is not approved, the governing body of the county shall not
100 resubmit a proposal to the voters pursuant to this section sooner than twelve months from the
101 date of the last proposal submitted pursuant to this section. If the qualified voters in two or more
102 counties that have contiguous districts approve the sales tax proposal, the districts shall combine
103 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 **12.** Except as modified in this section, all provisions of sections 32.085 [and] to 32.087
201 apply to the sales tax imposed pursuant to this section.

202 [12.] **13.** Any sales tax imposed pursuant to this section shall not extend past the initial
203 term approved by the voters unless an extension of the sales tax is submitted to and approved by
204 the qualified voters in each county in the manner provided in this section. Each extension of the
205 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the
206 extension shall be in substantially the following form:

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

211 YES NO

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

214

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

220 [13.] **14.** Once the sales tax authorized by this section is abolished or terminated by any
221 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
222 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
223 the district has any financing or other obligations outstanding; provided that any new financing,
224 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
225 incurred more than ten years after voter approval of the sales tax provided in this section or more
226 than ten years after any voter-approved extension thereof shall not cause the extension of the
227 sales tax provided in this section or cause the final maturity of any financing or other obligations
228 outstanding to be extended. Any funds in the trust fund which are not needed for current
229 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)
230 of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the
231 district abolishes the sales tax, the district shall notify the director of revenue of the action at
232 least ninety days before the effective date of the repeal, and the director of revenue may order
233 retention in the trust fund, for a period of one year, of two percent of the amount collected after

234 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem
 235 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
 236 after the effective date of abolition of the sales tax in the district, the director of revenue shall
 237 remit the balance in the account to the district and close the account of the district. The director
 238 of revenue shall notify the district of each instance of any amount refunded or any check
 239 redeemed from receipts due the district.

240 [14.] 15. In the event that the district is dissolved or terminated by any means, the
 241 governing bodies of the counties in the district shall appoint a person to act as trustee for the
 242 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall
 243 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond
 244 with sufficient security, approved by the governing bodies of the counties, to the use of the
 245 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and
 246 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
 247 obligations of the district, shall pay over to the county treasurer of each county in the district and
 248 take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears
 249 to the total levy for the district in the previous three years or since the establishment of the
 250 district, whichever time period is shorter. Upon payment to the county treasurers, the trustee
 251 shall deliver to the clerk of the governing body of any county in the district all books, papers,
 252 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 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 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
19 of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on
20 the first day of the first calendar quarter immediately following notification to the director of the
21 department of revenue of the election approving the proposal] **as provided by section 32.087.**
22 If a proposal receives less than the required majority, then the governing authority of the city
23 shall have no power to impose the sales tax unless and until the governing authority of the city
24 has submitted another proposal to authorize the imposition of the sales tax authorized by this
25 section and such proposal is approved by the required majority of the qualified voters voting
26 thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters
27 sooner than twelve months from the date of the last proposal pursuant to this section.

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

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

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

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

51 [5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant
52 to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at
53 least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax

54 to the qualified voters at any primary or general election. The ballot of submission shall be in
55 substantially the following form:

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

58 YES NO

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

61

62 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
63 effective on December thirty-first of the calendar year in which such repeal was approved. **If the**
64 **city or county abolishes the tax, the city or county shall notify the director of revenue of the**
65 **action at least one hundred twenty days prior to the effective date of the repeal.**

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

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

80 (4) In the event that the repeal of a sales tax pursuant to this section dissolves or
81 terminates a taxing district, the governing authority of the city shall appoint a person to act as
82 trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the
83 trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall
84 give bond with sufficient security, approved by the governing authority of the city, to the use of
85 the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have
86 and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
87 obligations of the district, shall pay over to the city treasurer or the equivalent official and take
88 receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver

89 to the clerk of the governing authority of the city all books, papers, records, and deeds belonging
90 to the dissolved district.

91 [6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to
92 32.087 shall 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 calendar quarter immediately following the action by the
72 district board of directors imposing the tax] **as provided by section 32.087.**

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

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

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

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

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

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

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

91 (6) To collect taxes and other revenues;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 The provisions of this subsection are applicable to the district notwithstanding the provisions of
130 section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any
2 time by the district by issuing refunding bonds in such amount as the district may deem
3 necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions
4 regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing,
5 refunding bonds may include amounts necessary to finance any premium, unpaid interest, and
6 costs of issuance in connection with the refunding bonds. Any such refunding may be effected
7 whether the bonds to be refunded then shall have matured or thereafter shall mature, either by

8 sale of the refunding bonds and the application of the proceeds thereof to the payment of the
9 obligations being refunded or the exchange of the refunding bonds for the obligations being
10 refunded with the consent of the holders of the obligations being refunded.

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

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

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

32 5. In order to permit sellers required to collect and report the sales tax authorized by this
33 section to collect the amount required to be reported and remitted, but not to change the
34 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
35 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
39 shall be deposited in a special trust fund and shall be used solely for the purposes of the district.
40 Any funds in such special trust fund which are not needed for the district's current expenditures
41 may be invested by the district board of directors in accordance with applicable laws relating to
42 the 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 [such] sales taxes [collected by the district] shall be deposited by the district in a
68 special fund to be expended for the purposes authorized in this section. The district shall keep
69 accurate records of the amount of money which was collected pursuant to this section, and the
70 records shall be open to the inspection of officers of each district and the general public.

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

77 10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing
78 the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality

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

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

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

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

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

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

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

105 (7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax
106 in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of
107 one percent on retail sales as provided in this subsection. The election shall be conducted in
108 accordance with section 67.2520; provided, however, that the district board of directors may
109 place the question of the increase of the sales tax before the voters of the district by resolution,
110 and the municipal clerk of the city, town, or village which originally conducted the incorporation
111 of the district, or the circuit clerk of the court which originally conducted the incorporation of
112 the district, shall conduct the subsequent election. In subsequent elections, the election judges
113 shall certify the election results to the district board of directors. The ballot of submission shall
114 be in substantially the following form:

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

117 YES NO

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

120

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

124 [11.] 9. (1) There shall not be any election as provided for in this section while the
125 district has any financing or other obligations outstanding.

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

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

133 YES NO

134 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
135 to the question, place an "X" in the box opposite "NO". Such subsequent elections for the repeal
136 of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that
137 the district board of directors may place the question of the repeal of the sales tax before the
138 voters of the district, and the municipal clerk of the city, town, or village which originally
139 conducted the incorporation of the district, or the circuit clerk of the court which originally
140 conducted the incorporation of the district, shall conduct the subsequent election. In subsequent
141 elections the election judges shall certify the election results to the district board of directors.

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

148 [12.] 10. (1) At such time as the board of directors of the district determines that further
149 operation of the district is not in the best interests of the inhabitants of the district, and that the
150 district should dissolve, the board shall submit for a vote in an election held throughout the

151 district the question of whether the district should be abolished. The question shall be submitted
152 in substantially the following form:

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

154 YES NO

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

157 (2) The district board shall not propose the question to abolish the district while there
158 are outstanding claims or causes of action pending against the district, while the district liabilities
159 exceed its assets, while indebtedness of the district is outstanding, or while the district is
160 insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting
161 the question to abolish the district to a vote of the entire district, the state auditor shall audit the
162 district to determine the financial status of the district, and whether the district may be abolished
163 pursuant to law. The vote on the abolition of the district shall be conducted by the municipal
164 clerk of the city, town, or village in which the district is located. The procedure shall be the same
165 as in section 67.2520, except that the question shall be determined by the qualified voters of the
166 entire district. No individual subdistrict may be abolished, except at such time as the district is
167 abolished.

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

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

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

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

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

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

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

188 **11. Except as provided in this section, all provisions of sections 32.085 to 32.087**
189 **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 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
23 of the question, then the tax shall become effective on the first day of the second calendar quarter
24 after the director of revenue receives notice of the adoption of the sales tax. If a majority of the
25 votes cast on the question by the qualified voters voting thereon are opposed to the question, then
26 the tax shall not become effective unless and until the question is resubmitted under this section
27 to the qualified voters and such question is approved by a majority of the qualified voters voting
28 on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner
29 than twelve months from the date of the proposal under this section.

30 3. Any sales tax imposed under this section shall be administered, collected, enforced,
31 and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the
32 tax shall be deposited in a special trust fund and shall be used solely for the designated purposes.

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

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

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

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

53 YES NO

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

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

69 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
70 question is resubmitted under this section to the qualified voters and the repeal is approved by
71 a majority of the qualified voters voting on the question.

72 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087**
73 **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 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county
17 or city not within a county on the proposal by the qualified voters voting thereon are in favor of
18 the proposal, then the tax shall go into effect [on the first day of the next calendar quarter
19 beginning after its adoption and notice to the director of revenue, but no sooner than thirty days
20 after such adoption and notice] **as provided by section 32.087**. If a majority of the votes cast
21 in that county or city not within a county by the qualified voters voting are opposed to the
22 proposal, then the additional sales tax shall not be imposed in that county or city not within a
23 county unless and until the governing body of that county or city not within a county shall have
24 submitted another proposal to authorize the local option transportation sales tax authorized in
25 this section, and such proposal is approved by a majority of the qualified voters voting on it. In
26 no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve
27 months from the date of the last proposal.

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

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

35 6. All sales taxes collected by the director of revenue under this section on behalf of any
36 city or county, less one percent for cost of collection which shall be deposited in the state's
37 general revenue fund after payment of premiums for surety bonds, shall be deposited with the
38 state treasurer in a special trust fund, which is hereby created, to be known as the "County Public
39 Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087.
40 The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled
41 with any funds of the state. The director of revenue shall keep accurate records of the amount

42 of money in the trust fund which was collected in each city or county approving a sales tax under
43 this section, and the records shall be open to inspection by officers of the city or county and the
44 public. Not later than the tenth day of each month the director of revenue shall distribute all
45 moneys deposited in the trust fund during the preceding month to the city or county which levied
46 the tax, and such funds shall be deposited with the treasurer of each such city or county and all
47 expenditures of funds arising from the county public transit sales tax trust fund shall be by an
48 appropriation act to be enacted by the governing body of each such county or city not within a
49 county.

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

53 8. The director of revenue may authorize the state treasurer to make refunds from the
54 amount in the trust fund and credited to any city or county for erroneous payments and
55 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
56 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
57 director of revenue of the action at least ninety days prior to the effective date of the repeal and
58 the director of revenue may order retention in the trust fund, for a period of one year, of two
59 percent of the amount collected after receipt of such notice to cover possible refunds or
60 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
61 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
62 city or county, the director of revenue shall authorize the state treasurer to remit the balance in
63 the account to the city or county and close the account of that city or county. The director of
64 revenue shall notify each city or county of each instance of any amount refunded or any check
65 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 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
27 to the question, place an "X" in the box opposite "No".

28
29 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by
30 the qualified voters voting thereon are in favor of the proposal, then the ordinance and any
31 amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by
32 the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision
33 (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified
34 voters voting thereon are in favor of the proposal, then the ordinance and any amendments
35 thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in
36 subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the
37 proposal, then the council or other governing body of the city shall have no power to impose the
38 tax authorized in subdivision (1) of this subsection unless and until the council or other
39 governing body of the city submits another proposal to authorize the council or other governing
40 body of the city to impose the tax and such proposal is approved by a majority of the qualified
41 voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting
42 thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue
43 bonds and impose a sales tax to retire such bonds, then the council or other governing body of
44 the city shall have no power to issue any bonds or to impose the tax authorized in subdivision
45 (2) of this subsection unless and until the council or other governing body of the city submits
46 another proposal to authorize the council or other governing body of the city to issue such bonds
47 or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the
48 qualified voters voting thereon.

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

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

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

66 5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued
67 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 shall** have the meanings ascribed to them in this section, except when
3 the 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) **"Advertising and promotional direct mail", printed material that meets the**
8 **definition of direct mail, the primary purpose of which is to attract public attention to a**
9 **product, person, business, or organization, or to attempt to sell, popularize, or secure**
10 **financial support for a product, person, business, or organization. As used in this**
11 **subdivision, the word "product" means tangible personal property, a product transferred**
12 **electronically, or a service;**

13 (3) **"Agreement", the streamlined sales and use tax agreement, as amended from**
14 **time to time;**

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

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

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

25 **(7) "Appliance", clothes washer and dryer, water heater, trash compactor,**
26 **dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator, and**
27 **freezer;**

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

31 **(a) Antimicrobial agents;**

32 **(b) Fluoride;**

33 **(c) Carbonation;**

34 **(d) Vitamins, minerals, and electrolytes;**

35 **(e) Oxygen;**

36 **(f) Preservatives; and**

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

38

39 **Bottled water includes water that is delivered to the buyer in a reusable container that is**
40 **not sold with the water;**

41 **(9) "Bundled transaction":**

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

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

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

52 **b. A product provided free of charge with the required purchase of another**
53 **product. A product is provided free of charge if the sales price of the product purchased**
54 **does not vary depending on the inclusion of the product provided free of charge;**

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

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

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

63 **(i) A retail sale of tangible personal property and a service where the tangible**
64 **personal property is essential to the use of the service, is provided exclusively in connection**
65 **with the service, and the true object of the transaction is the service; or**

66 **(ii) A retail sale of services where one service is provided that is essential to the use**
67 **or receipt of a second service and the first service is provided exclusively in connection with**
68 **the second service and the true object of the transaction is the second service; or**

69 **(iii) A transaction that includes taxable products and nontaxable products and the**
70 **sales price of the taxable products is de minimis.**

71 **b. "De minimis" means the sales price of the taxable product is ten percent or less**
72 **of the total sales price of the bundled products.**

73 **c. Sellers shall use the sales price of the products to determine if the taxable**
74 **products are de minimis.**

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

77 **(ii) A retail sale of exempt tangible personal property and taxable tangible personal**
78 **property where:**

79 **i. The transaction included food and food ingredients, drugs, durable medical**
80 **equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or**
81 **medical supplies; and**

82 **ii. The seller's purchase price or sales price of the taxable tangible personal**
83 **property is fifty percent or less of the total sales price of the bundled tangible personal**
84 **property. Sellers shall not use a combination of the purchase price and sales price of the**
85 **tangible personal property when making the fifty percent determination for a transaction;**

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

88 classification of which business is of such character as to be subject to the terms of [sections
89 144.010 to 144.525] **this chapter**. A person is "engaging in business" in this state for purposes
90 of [sections 144.010 to 144.525] **this chapter** if such person "engages in business in this state"
91 or "maintains a place of business in this state" under section 144.605. The isolated or occasional
92 sale of tangible personal property, service, substance, or thing, by a person not engaged in such
93 business, does not constitute engaging in business within the meaning of [sections 144.010 to
94 144.525] **this chapter** unless the total amount of the gross receipts from such sales, exclusive
95 of receipts from the sale of tangible personal property by persons which property is sold in the
96 course of the partial or complete liquidation of a household, farm or nonbusiness enterprise,
97 exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not
98 be construed to make any sale of property which is exempt from sales tax or use tax on June 1,
99 1977, subject to that tax thereafter;

100 **[(3)] (11) "Calendar quarter", the period of three consecutive calendar months**
101 **ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first;**

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

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

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

113 **[(4)] (15) "Certified automated system" or "CAS", software certified under the**
114 **streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction**
115 **on a transaction, determine the amount of tax to remit to the appropriate state, and**
116 **maintain a record of the transaction;**

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

120 **(17) "Clothing":**

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

122 **(b) Clothing shall include:**

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

- 124 **b. Athletic supporters;**
- 125 **c. Baby receiving blankets;**
- 126 **d. Bathing suits and caps;**
- 127 **e. Beach capes and coats;**
- 128 **f. Belts and suspenders;**
- 129 **g. Boots;**
- 130 **h. Coats and jackets;**
- 131 **i. Costumes;**
- 132 **j. Diapers, children and adult, including disposable diapers;**
- 133 **k. Ear muffs;**
- 134 **l. Footlets;**
- 135 **m. Formal wear;**
- 136 **n. Garters and garter belts;**
- 137 **o. Girdles;**
- 138 **p. Gloves and mittens for general use;**
- 139 **q. Hats and caps;**
- 140 **r. Hosiery;**
- 141 **s. Insoles for shoes;**
- 142 **t. Lab coats;**
- 143 **u. Neckties;**
- 144 **v. Overshoes;**
- 145 **w. Pantyhose;**
- 146 **x. Rainwear;**
- 147 **y. Rubber pants;**
- 148 **z. Sandals;**
- 149 **aa. Scarves;**
- 150 **bb. Shoes and shoe laces;**
- 151 **cc. Slippers;**
- 152 **dd. Sneakers;**
- 153 **ee. Socks and stockings;**
- 154 **ff. Steel toed shoes;**
- 155 **gg. Underwear;**
- 156 **hh. Uniforms, athletic and nonathletic; and**
- 157 **ii. Wedding apparel;**
- 158 **(c) Clothing shall not include:**
- 159 **a. Belt buckles sold separately;**

- 160 **b. Costume masks sold separately;**
- 161 **c. Patches and emblems sold separately;**
- 162 **d. Sewing equipment and supplies, including but not limited to, knitting needles,**
163 **patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**
- 164 **e. Sewing materials that become part of clothing, including but not limited to**
165 **buttons, fabric, lace, thread, yarn, and zippers;**
- 166 **(18) "Clothing accessories and equipment", incidental items worn on the person**
167 **or in conjunction with clothing. Clothing accessories or equipment are mutually exclusive**
168 **of clothing, sport or recreational equipment, and protective equipment;**
- 169 **(19) "Coin-operated telephone service", a telecommunications service paid for by**
170 **inserting money into a telephone accepting direct deposits of money to operate;**
- 171 **(20) "Communications channel", a physical or virtual path of communications over**
172 **which signals are transmitted between or among customer channel termination points;**
- 173 **(21) "Computer", an electronic device that accepts information in digital or similar**
174 **form and manipulates it for a result based on a sequence of instructions;**
- 175 **(22) "Computer software", a set of coded instructions designed to cause a computer**
176 **or automatic data processing equipment to perform a task. Computer software shall not**
177 **include specified digital products, digital audio-visual works, digital audio works, or digital**
178 **books;**
- 179 **(23) "Conference bridging service", an ancillary service that links two or more**
180 **participants of an audio or video conference call and may include the provision of a**
181 **telephone number. Conference bridging service does not include the telecommunications**
182 **services used to reach the conference bridge;**
- 183 **(24) "Customer channel termination point", the location where the**
184 **telecommunications customer either inputs or receives the communication;**
- 185 **(25) "Delivered electronically", delivered to the purchaser by means other than**
186 **tangible storage media;**
- 187 **(26) "Delivery charges", charges by the seller of personal property or services for**
188 **preparation and delivery to a location designated by the purchaser of personal property**
189 **or services, including but not limited to transportation, shipping, postage, handling,**
190 **crating, and packing;**
- 191 **(27) "Detailed telecommunications billing service", an ancillary service of**
192 **separately stating information pertaining to individual calls on a telecommunications**
193 **customer's billing statement;**
- 194 **(28) "Dietary supplement", any product, other than tobacco, intended to**
195 **supplement the diet that contains one or more of the following dietary ingredients: a**

196 vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use
197 by humans to supplement the diet by increasing the total dietary intake; or a concentrate,
198 metabolite, constituent, extract, or combination of any ingredient described above and that
199 is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not
200 intended for ingestion in such a form, is not represented as a conventional food and is not
201 represented for use as a sole item of a meal or of the diet; and that is required to be labeled
202 as a dietary supplement, identifiable by the supplemental facts box found on the label and
203 as required under 21 CFR Section 101.36;

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

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

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

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

217 (33) "Directory assistance", an ancillary service of providing telephone number
218 information, or address information;

219 (34) "Drug":

220 (a) A compound, substance, or preparation, and any component of a compound,
221 substance, or preparation, other than food and food ingredients, dietary supplements,
222 alcoholic beverages, or grooming and hygiene products:

223 a. Recognized in the official United States Pharmacopoeia, official Homeopathic
224 Pharmacopoeia of the United States, or official National Formulary, or supplement to any
225 of them;

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

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

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

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

- 232 (a) Can withstand repeated use;
- 233 (b) Is primarily and customarily used to serve a medical purpose;
- 234 (c) Generally is not useful to a person in the absence of illness or injury;
- 235 (d) Is not worn in or on the body;
- 236 (e) Is for home use;
- 237 (f) Is within the classification of devices eligible for MO HealthNet and Medicare
- 238 reimbursement;
- 239 (g) Shall include:
- 240 a. Kidney dialysis equipment not worn in or on the body, including repair and
- 241 replacement parts; and
- 242 b. Enteral feeding systems not worn in or on the body, including repair and
- 243 replacement parts.
- 244 As used in this subdivision, repair and replacement parts shall include all components or
- 245 attachments used in conjunction with the durable medical equipment;
- 246 (36) "Electronic", relating to technology having electrical, digital, magnetic,
- 247 wireless, optical, electromagnetic, or similar capabilities;
- 248 (37) "End user", the person who utilizes the telecommunication service. In case of
- 249 an entity, "end user" means the individual who utilizes the service on behalf of the entity;
- 250 (38) "Energy star qualified product", a product that meets the energy efficient
- 251 guidelines set by the United States Environmental Protection Agency and the United States
- 252 Department of Energy that is authorized to carry the Energy Star label. Covered products
- 253 are those listed at www.energystar.gov or successor address;
- 254 (39) "Engages in business activities within this state", includes:
- 255 (a) Purposefully or systematically exploiting the market provided by this state by
- 256 any media-assisted, media-facilitated, or media-solicited means, including, but not limited
- 257 to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone,
- 258 television, radio, or other electronic media, or magazine or newspaper advertisements, or
- 259 other media;
- 260 (b) Being owned or controlled by the same interests which own or control any seller
- 261 engaged in the same or similar line of business in this state;
- 262 (c) Those meanings ascribed to the phrase as defined in section 144.605;
- 263 (40) "Food and food ingredients", substances, whether in liquid, concentrated,
- 264 solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans
- 265 and are consumed for their taste or nutritional value. Food and food ingredients shall not
- 266 include alcoholic beverages, tobacco, or dietary supplements;

267 (41) "Food sold through a vending machine", food dispensed from a machine or
268 other mechanical device that accepts payment;

269 (42) "Grooming and hygiene products", soaps and cleaning solutions, shampoo,
270 toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of
271 whether the items meet the definition of over-the-counter drugs;

272 (43) "Gross receipts"[,] or "sales price":

273 (a) Except as provided in section 144.012, [means the total amount of the sale price of
274 the sales at retail including any services other than charges incident to the extension of credit that
275 are a part of such sales made by the businesses herein referred to, capable of being valued in
276 money, whether received in money or otherwise; except that, the term "gross receipts" shall not
277 include the sale price of property returned by customers when the full sale price thereof is
278 refunded either in cash or by credit. In determining any tax due under sections 144.010 to
279 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically
280 exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price
281 above mentioned shall be deemed to be the amount received. It shall also include the lease or
282 rental consideration where the right to continuous possession or use of any article of tangible
283 personal property is granted under a lease or contract and such transfer of possession would be
284 taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale
285 were made and considered as a sale of such article, and the tax shall be computed and paid by
286 the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the**
287 **total amount of consideration, including cash, credit, property, and services, for which**
288 **personal property or services are sold, leased, or rented, valued in money, whether received**
289 **in money or otherwise, without any deduction for the following:**

290 a. **The seller's cost of the property sold;**

291 b. **The cost of materials used, labor or service cost, interest, losses, all costs of**
292 **transportation to the seller, all taxes imposed on the seller, and any other expense of the**
293 **seller;**

294 c. **Charges by the seller for any services necessary to complete the sale, other than**
295 **delivery and installation charges;**

296 d. **Delivery charges; and**

297 e. **Credit for any trade-in;**

298 (b) **Shall not include:**

299 a. **Discounts, including cash, term, or coupons that are not reimbursed by a third**
300 **party that are allowed by a seller and taken by a purchaser on a sale;**

- 301 **b. Interest, financing, and carrying charges from credit extended on the sale of**
302 **personal property or services, if the amount is separately stated on the invoice, bill of sale**
303 **or similar document given to the purchaser; and**
- 304 **c. Any taxes legally imposed directly on the consumer that are separately stated on**
305 **the invoice, bill of sale or similar document given to the purchaser;**
- 306 **(c) Shall include consideration received by the seller from third parties if:**
- 307 **a. The seller actually receives consideration from a party other than the purchaser**
308 **and the consideration is directly related to a price reduction or discount on the sale;**
- 309 **b. The seller has an obligation to pass the price reduction or discount through to**
310 **the purchaser;**
- 311 **c. The amount of the consideration attributable to the sale is fixed and**
312 **determinable by the seller at the time of the sale of the item to the purchaser; and**
- 313 **d. One of the following criteria is met:**
- 314 **(i) The purchaser presents a coupon, certificate or other documentation to the seller**
315 **to claim a price reduction or discount where the coupon, certificate or documentation is**
316 **authorized, distributed, or granted by a third party with the understanding that the third**
317 **party will reimburse any seller to whom the coupon, certificate, or documentation is**
318 **presented;**
- 319 **(ii) The purchaser identifies himself or herself to the seller as a member of a group**
320 **or organization entitled to a price reduction or discount (a preferred customer card that**
321 **is available to any patron does not constitute membership in such a group); or**
- 322 **(iii) The price reduction or discount is identified as a third-party price reduction**
323 **or discount on the invoice received by the purchaser or on a coupon, certificate, or other**
324 **documentation presented by the purchaser;**
- 325 **(44) "Home service provider", the same as such term is defined in Section 124(5)**
326 **of Public Law 106-252, Mobile Telecommunications Sourcing Act;**
- 327 **(45) "Lease or rental":**
- 328 **(a) Any transfer of possession or control of tangible personal property for a fixed**
329 **or indeterminate term for consideration. A lease or rental may include future options to**
330 **purchase or extend;**
- 331 **(b) Lease or rental shall not include:**
- 332 **a. A transfer of possession or control of property under a security agreement or**
333 **deferred payment plan that requires the transfer of title upon completion of the required**
334 **payments;**
- 335 **b. A transfer of possession or control of property under an agreement that requires**
336 **the transfer of title upon completion of required payments and where any payment of an**

337 option price does not exceed the greater of one hundred dollars or one percent of the total
338 required payments;

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

343 (c) Lease or rental includes agreements covering motor vehicles, trailers,
344 watercraft, and outboard motors where the amount of consideration may be increased or
345 decreased by reference to the amount realized upon sale or disposition of the property as
346 defined in 26 U.S.C. Section 7701(h)(1), as amended;

347 (46) "Light aircraft", a light airplane that seats no more than four persons, with
348 a gross weight of three thousand pounds or less, which is primarily used for recreational
349 flying or flight training;

350 (47) "Light aircraft kit", factory manufactured light aircraft parts and
351 components, including engine, propeller, instruments, wheels, brakes, and air frame parts
352 which make up a complete aircraft kit or partial kit designed to be assembled into a light
353 aircraft and then operated by a qualified light aircraft purchaser for recreational and
354 educational purposes;

355 (48) "Light aircraft parts and components", manufactured light aircraft parts,
356 including air frame and engine parts, that are required by the qualified light aircraft
357 purchaser to complete a light aircraft kit, or spare or replacement parts for an already
358 completed light aircraft;

359 [(5)] (49) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited
360 to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk
361 documented as obtained from a legal source and not from the wild, goats, horses, other equine,
362 or rabbits raised in confinement for human consumption;

363 [(6)] (50) "Load and leave", delivery to the purchaser by use of a tangible storage
364 media where the tangible storage media is not physically transferred to the purchaser;

365 (51) "Maintains a place of business in this state", those meanings ascribed to the
366 phrase as defined in section 144.605;

367 (52) "Mobile telecommunications service", the same as such term is defined in
368 Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

369 (53) "Mobility enhancing equipment", equipment, including repair and
370 replacement parts to same, which:

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

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

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

377 Mobility enhancement equipment shall not include durable medical equipment or any
378 motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle
379 manufacturer;

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

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

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

392 (57) "Model 4 seller", a seller that is registered under the agreement and is not a
393 Model 1 Seller, a Model 2 Seller, or a Model 3 Seller;

394 (58) "Motor vehicle leasing company" [shall be] , a company obtaining a permit from
395 the director of revenue to operate as a motor vehicle leasing company. Not all persons renting
396 or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to
397 obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section
398 144.070, as hereinafter provided;

399 [(7)] (59) "Other direct mail", any direct mail that is not advertising and
400 promotional direct mail regardless of whether advertising and promotional direct mail is
401 included in the same mailing. Other direct mail includes, but is not limited to:

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

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

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

410 Other direct mail shall not include the development of billing information or the provision
411 of any data processing service that is more than incidental;

412 (60) "Over-the-counter drug", a drug, excluding grooming and hygiene products,
413 that contains a label that identifies the product as a drug as required by 21 CFR Section
414 201.66 and includes:

415 (a) A drug facts panel; or

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

418 (61) "Person" includes any individual, firm, copartnership, joint adventure, association,
419 corporation, municipal or private, and whether organized for profit or not, state, county, political
420 subdivision, state department, commission, board, bureau or agency, [except the state
421 transportation department,] estate, trust, business trust, receiver or trustee appointed by the state
422 or federal court, syndicate, or any other group or combination acting as a unit, and the plural as
423 well as the singular number, or any other legal entity;

424 [(8)] (62) "Place of primary use", the street address representative of where the
425 telecommunications customer's use of the telecommunications service primarily occurs,
426 which shall be the residential street address or the primary business street address of the
427 telecommunications customer. In the case of mobile telecommunications services, place of
428 primary use shall be within the licensed service area of the home service provider;

429 (63) "Post-paid calling service", the telecommunications service obtained by
430 making a payment on a call-by-call basis either through the use of a credit card or payment
431 mechanism such as a bank card, travel card, credit card, or debit card, or by charge made
432 to a telephone number which is not associated with the origination or termination of the
433 telecommunications service. A post-paid calling service includes a telecommunications
434 service, except a prepaid wireless calling service, that would be a prepaid calling service
435 except it is not exclusively a telecommunications service;

436 (64) "Prepaid calling service", the right to access exclusively telecommunications
437 services, which must be paid for in advance and which enable the origination of calls using
438 an access number or authorization code, whether manually or electronically dialed, and
439 that is sold in predetermined units or dollars of which the number declines with use in a
440 known amount;

441 (65) "Prepaid wireless calling service", a telecommunications service that provides
442 the right to utilize mobile wireless services as well as other nontelecommunications services,

443 including the download of digital products delivered electronically, content and ancillary
444 services, which must be paid for in advance and that are sold in predetermined units or
445 dollars of which the number declines with use in a known amount;

446 (66) "Prepared food", food sold in a heated state or heated by the seller; two or
447 more food ingredients mixed or combined by the seller for sale as a single item; or food
448 sold with eating utensils provided by the seller, including plates, knives, forks, spoons,
449 glasses, cups, napkins, or straws. A plate shall not include a container or packaging used
450 to transport the food. Prepared food shall not include food that is only cut, repackaged,
451 or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw
452 animal foods requiring cooking by the consumer as recommended by the Food and Drug
453 Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne
454 illnesses;

455 (67) "Prescription", an order, formula, or recipe issued in any form of oral,
456 written, electronic, or other means of transmission by a duly licensed practitioner
457 authorized by the laws of the state;

458 (68) "Prewritten computer software", computer software, including prewritten
459 upgrades, which is not designed and developed by the author or other creator to the
460 specifications of a specific purchaser. The combining of two or more prewritten computer
461 software programs or prewritten portions thereof shall not cause the combination to be
462 other than prewritten computer software. Prewritten computer software shall include
463 software designed and developed by the author or other creator to the specifications of a
464 specific purchaser when it is sold to a person other than the specific purchaser. Where a
465 person modifies or enhances computer software of which the person is not the author or
466 creator, the person shall be deemed to be the author or creator only of such person's
467 modifications or enhancements. Prewritten computer software or a prewritten portion
468 thereof that is modified or enhanced to any degree, where such modification or
469 enhancement is designed and developed to the specifications of a specific purchaser,
470 remains prewritten computer software; provided, however, that where there is a
471 reasonable, separately stated charge or an invoice or other statement of the price given to
472 the purchaser for such modification or enhancement, such modification or enhancement
473 shall not constitute prewritten computer software;

474 (69) "Private communication service", a telecommunications service that entitles
475 the customer to exclusive or priority use of a communications channel or group of channels
476 between or among termination points, regardless of the manner in which such channel or
477 channels are connected, and includes switching capacity, extension lines, stations, and any

478 other associated services that are provided in connection with the use of such channel or
479 channels;

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

483 (71) "Product which is intended to be sold ultimately for final use or consumption",
484 tangible personal property, or any service that is subject to state or local sales or use taxes,
485 or any tax that is substantially equivalent to these taxes, in this state or any other state;

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

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

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

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

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

505 [(9)] (77) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light
506 aircraft kit, light aircraft parts or components who is a nonresident of this state, who will
507 transport the light aircraft, light aircraft kit, light aircraft parts or components outside this
508 state within ten days after the date of purchase, and who will register any light aircraft so
509 purchased in another state or country. Such purchaser shall not base such aircraft in this
510 state and such purchaser shall not be a resident of the state unless such purchaser has paid
511 sales or use tax on such aircraft in another state;

512 (78) "Receive" or "receipt", taking possession of tangible personal property;
513 making first use of services; or taking possession or making first use of digital goods,

514 **whichever comes first. Receive and receipt shall not include possession by a shipping**
515 **company on behalf of the purchaser;**

516 **(79) "Registered under the agreement", registration by a seller with the member**
517 **states under the central registration system provided in Article IV of the agreement;**

518 **(80) "Research or experimentation activities"** are the development of an experimental
519 or pilot model, plant process, formula, invention or similar property, and the improvement of
520 existing property of such type. Research or experimentation activities do not include activities
521 such as ordinary testing or inspection of materials or products for quality control, efficiency
522 surveys, advertising promotions or research in connection with literary, historical or similar
523 projects;

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

530 (11) **(81) "Sale at retail"** [means any transfer made by any person engaged in business
531 as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for
532 use or consumption and not for resale in any form as tangible personal property, for a valuable
533 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
534 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,
535 optometrists and veterinarians and used in the practice of their professions shall be deemed to
536 be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,
537 computer output or microfilm or microfiche and computer-assisted photo compositions to a
538 purchaser to enable the purchaser to obtain for his or her own use the desired information
539 contained in such computer printouts, computer output on microfilm or microfiche and
540 computer-assisted photo compositions shall be considered as the sale of a service and not as the
541 sale of tangible personal property.] **or "retail sale", any sale, lease, or rental for any purpose**
542 **other than for resale, sublease, or subrent. Purchases of tangible personal property made**
543 **by duly licensed physicians, dentists, optometrists, and veterinarians and used in the**
544 **practice of their professions shall be deemed to be purchases for use or consumption and**
545 **not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and
546 the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

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

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

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

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

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

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

563 [(12)] **(82) "School art supply":**

564 **(a) An item commonly used by a student in a course of study for artwork. The term**
565 **is mutually exclusive of the terms school supply, school instructional material, and school**
566 **computer supply;**

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

568 **a. Clay and glazes;**

569 **b. Paints, acrylic, tempora, and oil;**

570 **c. Paintbrushes for artwork;**

571 **d. Sketch and drawing pads; and**

572 **e. Watercolors;**

573 **(83) "School computer supply":**

574 **(a) An item commonly used by a student in a course of study in which a computer**
575 **is used. The term is mutually exclusive of the terms school supply, school art supply, and**
576 **school instructional material.**

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

578 **a. Computer storage media, diskettes, compact disks;**

579 **b. Handheld electronic schedulers, except devices that are cellular phones;**

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

581 **d. Computer printers and printer supplies for computers, printer paper, and**
582 **printer ink;**

583 **(84) "School instructional material":**

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

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

588 a. Reference books;

589 b. Reference maps and globes;

590 c. Textbooks; and

591 d. Workbooks;

592 (85) "School supply":

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

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

597 a. Binders;

598 b. Book bags;

599 c. Calculators;

600 d. Cellophane tape;

601 e. Blackboard chalk;

602 f. Compasses;

603 g. Composition books;

604 h. Crayons;

605 i. Erasers;

606 j. Folders, expandable, pocket, plastic, and manila;

607 k. Glue, paste, and paste sticks;

608 l. Highlighters;

609 m. Index cards;

610 n. Index card boxes;

611 o. Legal pads;

612 p. Lunch boxes;

613 q. Markers;

614 r. Notebooks;

615 s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila
616 paper, colored paper, poster board, and construction paper;

617 t. Pencil boxes and other school supply boxes;

618 u. Pencil sharpeners;

619 v. Pencils;

- 620 w. Pens;
- 621 x. Protractors;
- 622 y. Rulers;
- 623 z. Scissors; and
- 624 aa. Writing tablets;

625 (86) "Seller" means a person [selling or furnishing tangible] **making sales, leases, or**
626 **rentals of** personal property or [rendering services, on the receipts from which a tax is imposed
627 pursuant to section 144.020] **services;**

628 [(13)] (87) "Selling agent", every person acting as a representative of a principal,
629 when such principal is not registered with the director of revenue of the state of Missouri
630 for the collection of the taxes imposed under this chapter and who receives compensation
631 by reason of the sale of tangible personal property of the principal, if such property is to
632 be stored, used, or consumed in this state;

633 (88) "Service address":

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

637 (b) If the location in paragraph (a) of this subdivision is not known, "service
638 address" means the origination point of the signal of the telecommunications services first
639 identified by either the seller's telecommunications system or in information received by
640 the seller from its service provider, where the system used to transport such signals is not
641 that of the seller;

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

644 (89) "Specified digital products", electronically transferred digital audio-visual
645 works, digital audio works, and digital books;

646 (90) "Sport or recreational equipment", items designed for human use and worn
647 in conjunction with an athletic or recreational activity that are not suitable for general use.
648 Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or
649 equipment, and protective equipment;

650 (91) "State", any state of the United States, the District of Columbia, and the
651 Commonwealth of Puerto Rico;

652 (92) "Storage", any keeping or retention in this state of tangible personal property
653 purchased from a vendor, except property for sale or property that is temporarily kept or
654 retained in this state for subsequent use outside the state;

655 **(93) "Tangible personal property", personal property that can be seen, weighed,**
656 **measured, felt, or touched, or that is in any other manner perceptible to the senses.**
657 **Tangible personal property shall include electricity, water, gas, steam, and prewritten**
658 **computer software. Tangible personal property shall not include specified digital**
659 **products, digital audio-visual works, digital audio works, or digital books;**

660 [The noun] **(94) "Tax" [means] , either the tax payable by the purchaser of a commodity**
661 **or service subject to tax, or the aggregate amount of taxes due from the vendor of such**
662 **commodities or services during the period for which he or she is required to report his or her**
663 **collections, as the context may require;**

664 [(14)] **(95) "Taxpayer", any person remitting the tax or who should remit the tax**
665 **levied by this chapter;**

666 **(96) "Telecommunications customer", the person or entity that contracts with the**
667 **seller of telecommunications services. If the end user of telecommunications services is not**
668 **the contracting party, the end user of the telecommunications service is the**
669 **telecommunications customer of the telecommunication service, but this definition only**
670 **applies to the purpose of sourcing sales of telecommunications services under section**
671 **144.043. Telecommunications customer shall not include a reseller of telecommunications**
672 **service or for mobile telecommunications service of a serving carrier under an agreement**
673 **to serve the telecommunications customer outside the home service provider's licensed**
674 **service area;**

675 **(97) "Telecommunications nonrecurring charge", an amount billed for the**
676 **installation, connection, change or initiation of telecommunications service received by the**
677 **customer;**

678 **(98) "Telecommunications service"[, for the purpose of this chapter, the transmission**
679 **of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar**
680 **means. As used in this definition, "information" means knowledge or intelligence represented**
681 **by any form of writing, signs, signals, pictures, sounds, or any other symbols.**
682 **Telecommunications service does not include the following if such services are separately stated**
683 **on the customer's bill or on records of the seller maintained in the ordinary course of business:**

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

686 (b) **Answering services and one-way paging services;**

687 (c) **Private mobile radio services which are not two-way commercial mobile radio**
688 **services such as wireless telephone, personal communications services or enhanced specialized**
689 **mobile radio services as defined pursuant to federal law; or**

690 (d) **Cable or satellite television or music services; and**

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

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

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

701 (c) **Telecommunications service shall include air-to-ground radiotelephone service,**
702 **mobile telecommunications service, post-paid calling service, prepaid calling service,**
703 **prepaid wireless calling service, and private communication service;**

704 (d) **Telecommunications service shall not include:**

705 a. **Data processing and information services that allow data to be generated,**
706 **acquired, stored, processed, or retrieved and delivered by an electronic transmission to a**
707 **purchaser where such purchaser's primary purpose for the underlying transaction is the**
708 **processed data or information;**

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

710 c. **Tangible personal property;**

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

712 e. **Billing and collection services provided to third parties;**

713 f. **Internet access service;**

714 g. **Radio and television audio and video programming services, regardless of the**
715 **medium, including the furnishing of transmission, conveyance, and routing of such services**
716 **by the programming service provider. Radio and television audio and video programming**
717 **services shall include, but not be limited to, cable service, as defined in 47 U.S.C. Section**
718 **522(6), as amended, and audio and video programming services delivered by commercial**
719 **mobile radio service providers, as defined in 47 CFR 20.3;**

720 h. **Ancillary services; or**

721 i. **Digital products delivered electronically including, but not limited to, software,**
722 **music, video, reading materials, or ring tones;**

723 (99) **"Transportation equipment", any of the following:**

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

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

728 **a. Registered through the International Registration Plan; and**

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

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

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

737 **(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that**
738 **contains tobacco;**

739 **(101) "Use", the exercise of any right or power over tangible personal property**
740 **incident to the ownership or control of that property, except that it does not include the**
741 **temporary storage of property in this state for subsequent use outside the state, or the sale**
742 **of the property in the regular course of business;**

743 **(102) "Use-based exemption", an exemption based on a specified use of the product**
744 **by the purchaser;**

745 **(103) "Vendor", those meanings ascribed to the term as defined in section 144.605.**

746 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
747 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections
748 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning
749 given it in section 700.010.

750 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 **and food ingredients** shall be at the rate of one
4 percent. The revenue derived from the one percent rate pursuant to this section shall be
5 deposited by the state treasurer in the school district trust fund and shall be distributed as
6 provided in section 144.701.

7 2. [For the purposes of this section, the term "food" shall include only those products and
8 types of food for which food stamps may be redeemed pursuant to the provisions of the Federal
9 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it
10 may be amended hereafter, and shall include food dispensed by or through vending machines.
11 For the purpose of this section,] Except for **food sold through** vending [machine sales, the term

12 "food"] **machines, subsection 1 of this section** shall not [include food or drink sold by any
13 establishment where the gross receipts derived from the sale of food prepared by such
14 establishment for immediate consumption on or off the premises of the establishment constitutes
15 more than eighty percent of the total gross receipts of that establishment, regardless of whether
16 such prepared food is consumed on the premises of that establishment, including, but not limited
17 to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café] **apply**
18 **to prepared food.**

144.022. 1. In the case of a bundled transaction that includes any of the following:
2 **telecommunication service, ancillary service, internet access, or audio or video**
3 **programming service:**

4 **(1) If the price is attributable to products that are taxable and products that are**
5 **nontaxable, the portion of the price attributable to the nontaxable products may be subject**
6 **to tax unless the provider can identify by reasonable and verifiable standards such portion**
7 **from its books and records that are kept in the regular course of business for other**
8 **purposes, including, but not limited to, nontax purposes;**

9 **(2) If the price is attributable to products that are subject to tax at different tax**
10 **rates, the total price shall be treated as attributable to the products subject to tax at the**
11 **highest tax rate unless the provider can identify by reasonable and verifiable standards the**
12 **portion of the price attributable to the products subject to tax at the lower rate from its**
13 **books and records that are kept in the regular course of business for other purposes,**
14 **including, but not limited to, nontax purposes;**

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

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

20 **(2) If an optional computer software maintenance contract obligates the vendor to**
21 **provide only support services, it shall be characterized as a sale of services and not a sale**
22 **of tangible personal property;**

23 **(3) If an optional computer software maintenance contract is a bundled transaction**
24 **including both taxable and nontaxable or exempt products that are not separately itemized**
25 **on the invoice or similar billing document, the purchase price under the contract shall be**
26 **taxable.**

27

28 **The provisions of this section shall apply unless otherwise provided by federal law.**

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.

2. There are also specifically exempted from the provisions of the local sales tax law as 9 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 10 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local 11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 12 144.600 to 144.745:

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

(2) Materials, manufactured goods, machinery and parts which when used in 26 manufacturing, processing, compounding, mining, producing or fabricating become a component 27 part or ingredient of the new personal property resulting from such manufacturing, processing, 28 compounding, mining, producing or fabricating and which new personal property is intended to 29 be sold ultimately for final use or consumption; and materials, including without limitation, 30 gases and manufactured goods, including without limitation slagging materials and firebrick, 31 which are ultimately consumed in the manufacturing process by blending, reacting or interacting 32 with or by becoming, in whole or in part, component parts or ingredients of steel products 33 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) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul
40 property on the public highways of the state, and that are capable of hauling loads commensurate
41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such
43 vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the
44 meaning as ascribed in section 390.020;

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
49 the materials and supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a useable product or a different form which is used in producing a new product and
54 shall include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

61 (6) Machinery and equipment, and parts and the materials and supplies solely required
62 for the installation or construction of such machinery and equipment, purchased and used to
63 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
64 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
65 which is intended to be sold ultimately for final use or consumption;

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

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

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

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

75 (11) Pumping machinery and equipment used to propel products delivered by pipelines
76 engaged as common carriers;

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

81 (13) Electrical energy used in the actual primary manufacture, processing, compounding,
82 mining or producing of a product, or electrical energy used in the actual secondary processing
83 or fabricating of the product, or a material recovery processing plant as defined in subdivision
84 (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
85 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
86 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
87 contain at least twenty-five percent recovered materials as defined in section 260.200. There
88 shall be a rebuttable presumption that the raw materials used in the primary manufacture of
89 automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

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

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

99 (16) Machinery, equipment, appliances and devices purchased or leased and used solely
100 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
101 solely required for the installation, construction or reconstruction of such machinery, equipment,
102 appliances and devices;

103 (17) Tangible personal property purchased by a rural water district;

104 (18) All amounts paid or charged for admission or participation or other fees paid by or
105 other charges to individuals in or for any place of amusement, entertainment or recreation, games

106 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
107 municipality or other political subdivision where all the proceeds derived therefrom benefit the
108 municipality or other political subdivision and do not inure to any private person, firm, or
109 corporation, provided, however, that a municipality or other political subdivision may enter into
110 revenue-sharing agreements with private persons, firms, or corporations providing goods or
111 services, including management services, in or for the place of amusement, entertainment or
112 recreation, games or athletic events, and provided further that nothing in this subdivision shall
113 exempt from tax any amounts retained by any private person, firm, or corporation under such
114 revenue-sharing agreement;

115 (19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1,
116 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
117 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
118 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
119 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
120 administer those items, including samples and materials used to manufacture samples which may
121 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
122 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
123 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
124 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
125 one or more physical or mental disabilities to enable them to function more independently, all
126 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
127 alternative and augmentative communication devices, and items used solely to modify motor
128 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of] **the**
129 **following, as prescribed by a health care practitioner licensed to prescribe:** over-the-counter
130 [or nonprescription] drugs to individuals with disabilities, **durable medical equipment,**
131 **prosthetic devices, mobility enhancing equipment,** and [drugs required by the Food and Drug
132 Administration to meet the over-the-counter drug product labeling requirements in 21 CFR
133 201.66, or its successor,] **drugs** [as prescribed by a health care practitioner licensed to prescribe];

134 (20) All sales made by or to religious and charitable organizations and institutions in
135 their religious, charitable or educational functions and activities and all sales made by or to all
136 elementary and secondary schools operated at public expense in their educational functions and
137 activities;

138 (21) All sales of aircraft to common carriers for storage or for use in interstate commerce
139 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
140 including fraternal organizations which have been declared tax-exempt organizations pursuant
141 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or

142 charitable functions and activities and all sales made to eleemosynary and penal institutions and
143 industries of the state, and all sales made to any private not-for-profit institution of higher
144 education not otherwise excluded pursuant to subdivision (20) of this subsection or any
145 institution of higher education supported by public funds, and all sales made to a state relief
146 agency in the exercise of relief functions and activities;

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

154 (23) All sales made to any private not-for-profit elementary or secondary school, all sales
155 of feed additives, medications or vaccines administered to livestock or poultry in the production
156 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
157 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
158 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
159 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
160 defined in section 142.028, natural gas, propane, and electricity used by an eligible new
161 generation cooperative or an eligible new generation processing entity as defined in section
162 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
163 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
164 additives" means tangible personal property which, when mixed with feed for livestock or
165 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
166 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
167 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
168 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
169 used in this subdivision, the term "farm machinery and equipment" means new or used farm
170 tractors and such other new or used farm machinery and equipment and repair or replacement
171 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
172 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
173 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
174 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
175 one-half of each purchaser's purchase of diesel fuel therefor which is:

176 (a) Used exclusively for agricultural purposes;

177 (b) Used on land owned or leased for the purpose of producing farm products; and

178 (c) Used directly in producing farm products to be sold ultimately in processed form or
179 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
180 ultimately in processed form at retail;

181 (24) Except as otherwise provided in section 144.032, all sales of metered water service,
182 electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil]
183 **piped natural or artificial gas, or other fuels delivered by the seller** for domestic use [and
184 in any city not within a county, all sales of metered or unmetered water service for domestic use]:

185 (a) "Domestic use" means that portion of metered water service, electricity, [electrical
186 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
187 within a county, metered or unmetered water service,] **piped natural or artificial gas, or other**
188 **fuels delivered by the seller** which an individual occupant of a residential premises uses for
189 nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or
190 master meter for residential apartments or condominiums, including service for common areas
191 and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish
192 and maintain a system whereby individual purchases are determined as exempt or nonexempt;

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

203 (c) Each person making domestic use purchases of [services or property] **electricity,**
204 **piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion
205 of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the
206 fourth month following the year of purchase, and without assessment, notice or demand, file a
207 return and pay sales tax on that portion of nondomestic purchases. Each person making
208 nondomestic purchases of [services or property] **electricity, piped natural or artificial gas, or**
209 **other fuels delivered by the seller** and who uses any portion of the [services or property]
210 **electricity, piped natural or artificial gas, or other fuels delivered by the seller** so purchased
211 for domestic use, and each person making domestic purchases on behalf of occupants of
212 residential apartments or condominiums through a single or master meter, including service for
213 common areas and facilities and vacant units, under a nonresidential utility service rate

214 classification may, between the first day of the first month and the fifteenth day of the fourth
215 month following the year of purchase, apply for credit or refund to the director of revenue and
216 the director shall give credit or make refund for taxes paid on the domestic use portion of the
217 purchase. The person making such purchases on behalf of occupants of residential apartments
218 or condominiums shall have standing to apply to the director of revenue for such credit or refund;

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

222 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071,
223 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director
224 of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales
225 taxes on such excise taxes;

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

231 (28) All sales made to an interstate compact agency created pursuant to sections 70.370
232 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such
233 agency as provided pursuant to the compact;

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

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

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

243 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other
244 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
245 products or in any material recovery processing plant as defined in subdivision (5) of this
246 subsection;

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

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

252 (35) All sales of grain bins for storage of grain for resale;

253 (36) All sales of feed which are developed for and used in the feeding of pets owned by
254 a commercial breeder when such sales are made to a commercial breeder, as defined in section
255 273.325, and licensed pursuant to sections 273.325 to 273.357;

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

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

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

275 (38) All sales or other transfers of tangible personal property to a lessor who leases the
276 property under a lease of one year or longer executed or in effect at the time of the sale or other
277 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
278 238.010 to 238.100;

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

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

288 (41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
289 parts, and equipment purchased for use directly upon, and for the modification, replacement,
290 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

291 (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or
292 similar places of business for use in the normal course of business and money received by a
293 shooting range or similar places of business from patrons and held by a shooting range or similar
294 place of business for redistribution to patrons at the conclusion of a shooting event;

295 **(43) All sales of new light aircrafts, light aircraft kits, or light aircraft parts or**
296 **components manufactured or substantially completed within this state, when such new**
297 **light aircrafts, light aircraft kits, or light aircraft parts or components are sold by the**
298 **manufacturer to a qualified purchaser. The director of revenue shall prescribe how a**
299 **purchaser of a light aircraft, light aircraft kit, or light aircraft parts or components can be**
300 **a qualified purchaser and be eligible for the exemption established in this section.**

301 3. Any ruling, agreement, or contract, whether written or oral, express or implied,
302 between a person and this state's executive branch, or any other state agency or department,
303 stating, agreeing, or ruling that such person is not required to collect sales and use tax in this
304 state despite the presence of a warehouse, distribution center, or fulfillment center in this state
305 that is owned or operated by the person or an affiliated person shall be null and void unless it is
306 specifically approved by a majority vote of each of the houses of the general assembly. For
307 purposes of this subsection, an "affiliated person" means any person that is a member of the same
308 controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of
309 1986, as amended, as the vendor or any other entity that, notwithstanding its form of
310 organization, bears the same ownership relationship to the vendor as a corporation that is a
311 member of the same controlled group of corporations as defined in Section 1563(a) of the
312 Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city
2 imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing
3 a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax
4 under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax
5 under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of
6 [metered water services,] electricity, [electrical current and natural, artificial or propane gas,
7 wood, coal, or home heating oil] **pipied natural or artificial gas, or other fuels delivered by**
8 **the seller** for domestic use only. Such tax shall be administered by the department of revenue

9 and assessed by the retailer in the same manner as any other city, county, or hospital district sales
10 tax. Domestic use shall be determined in the same manner as the determination of domestic use
11 for exemption of such sales from the state sales tax under the provisions of section 144.030.

**144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible
2 personal property or digital goods shall be sourced to the location where the order is
3 received by the seller.**

4 (2) This subsection shall apply only if:

**5 (a) The location where receipt of the product by the purchaser occurs as
6 determined in accordance with subsection 2 of this section; and**

**7 (b) At the time the order is received, the record keeping system of the seller used
8 to calculate the proper amount of sales or use tax to be imposed captures the location
9 where the order is received.**

**10 (3) When the sale is sourced under this section to the location where the order is
11 received by the seller, only the sales tax for the location where the order is received by the
12 seller may be levied. No additional sales or use tax based on the location where the product
13 is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled
14 to any refund if the combined state and local rate or rates at the location where the product
15 is received by the purchaser is lower than the rate where the order is received by the seller.**

**16 (4) A purchaser shall have no additional liability to the state for tax, penalty, or
17 interest on a sale for which the purchaser remits tax to the seller in the amount invoiced
18 by the seller if such invoice amount is calculated at either the rate applicable to the location
19 where receipt by the purchaser occurs or at the rate applicable to the location where the
20 order is received by the seller. A purchaser may rely on a written representation by the
21 seller as to the location where the order for such sale was received by the seller. When the
22 purchaser does not have a written representation by the seller as to the location where the
23 order for such sale was received by the seller, the purchaser may use a location indicated
24 by a business address for the seller that is available from the business records of the
25 purchaser that are maintained in the ordinary course of the purchaser's business to
26 determine the rate applicable to the location where the order was received.**

**27 (5) The location where the order is received by or on behalf of the seller means the
28 physical location of a seller or third party such as an established outlet, office location or
29 automated order receipt system operated by or on behalf of the seller where an order is
30 initially received by or on behalf of the seller and not where the order may be subsequently
31 accepted, completed, or fulfilled. An order is received when all of the information from the
32 purchaser necessary to the determination of whether the order can be accepted has been**

33 received by or on behalf of the seller. The location from which a product is shipped shall
34 not be used in determining the location where the order is received by the seller.

35 (6) When taxable services are sold with tangible personal property or digital
36 products pursuant to a single contract or in the same transaction, are billed on the same
37 billing statement or statements, and, because of the application of this section, would be
38 sourced to different jurisdictions, this subsection shall apply to determine the source for
39 tax.

40 2. Except as provided in section 144.051, when the location where the order is
41 received by the seller and the location where the receipt of the product by the purchaser
42 (or the purchaser's donee, designated as such by the purchaser) occurs are in different
43 states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

44 (1) When the product is received by the purchaser at a business location of the
45 seller, the sale shall be sourced to such business location;

46 (2) When the product is not received by the purchaser at a business location of the
47 seller, the sale shall be sourced to the location where receipt by the purchaser (or the
48 purchaser's donee, designated as such by the purchaser) occurs, including the location
49 indicated by instructions for delivery to the purchaser or donee, known to the seller;

50 (3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be
51 sourced to the location indicated by an address for the purchaser that is available from the
52 business records of the seller that are maintained in the ordinary course of the seller's
53 business when use of this address does not constitute bad faith;

54 (4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall
55 be sourced to the location indicated by an address for the purchaser obtained during the
56 consummation of the sale, including the address of a purchaser's payment instrument, if
57 no other address is available, when use of this address does not constitute bad faith;

58 (5) When subdivisions (1), (2), (3), and (4) of this subsection do not apply, including
59 the circumstances in which the seller is without sufficient information to apply the previous
60 rules, then the location will be determined by the address from which tangible personal
61 property was shipped, from which the digital good or computer software delivered
62 electronically was first available for transmission from the seller, or from which the service
63 was provided (disregarding for these purposes any location that merely provided the
64 digital transfer of the product sold).

65 3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles,
66 trailers, semitrailers, watercraft, and aircraft that do not qualify as transportation
67 equipment shall be sourced to the address of the owner thereof.

68 **4. The lease or rental of tangible personal property, other than property identified**
69 **in subsection 2 or 3 of this section, or transactions regulated under sections 407.660 to**
70 **407.665 shall be sourced as follows:**

71 **(1) For a lease or rental that requires recurring periodic payments, the first**
72 **periodic payment is sourced the same as a retail sale in accordance with the provisions of**
73 **subsection 1 of this section. Periodic payments made subsequent to the first payment are**
74 **sourced to the primary property location for each period covered by the payment. The**
75 **primary property location shall be as indicated by an address for the property provided**
76 **by the lessee that is available to the lessor from its records maintained in the ordinary**
77 **course of business, when use of this address does not constitute bad faith. The property**
78 **location shall not be altered by intermittent use at different locations, such as use of**
79 **business property that accompanies employees on business trips and service calls;**

80 **(2) For a lease or rental that does not require recurring periodic payments, the**
81 **payment is sourced the same as a retail sale in accordance with the provisions of subsection**
82 **1 of this section;**

83 **(3) This subsection does not affect the imposition or computation of sales or use tax**
84 **on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of**
85 **property for lease.**

86 **5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not**
87 **qualify as transportation equipment, as defined in section 144.010, shall be sourced as**
88 **follows:**

89 **(1) For a lease or rental that requires recurring periodic payments, each periodic**
90 **payment is sourced to the primary property location. The primary property location shall**
91 **be as indicated by an address for the property provided by the lessee that is available to**
92 **the lessor from its records maintained in the ordinary course of business, when use of such**
93 **address does not constitute bad faith. Such location shall not be altered by intermittent use**
94 **at different locations;**

95 **(2) For a lease or rental that does not require recurring periodic payments, the**
96 **payment is sourced the same as a retail sale in accordance with the provisions of subsection**
97 **1 of this section;**

98 **(3) This subsection does not affect the imposition or computation of sales or use tax**
99 **on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of**
100 **property for lease.**

101 **6. The retail sale, including lease or rental, of transportation equipment shall be**
102 **sourced the same as a retail sale in accordance with the provisions of subsection 1 of this**
103 **section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.**

144.042. 1. (1) A purchaser of advertising and promotional direct mail may
2 provide the seller with either:

3 (a) A direct pay permit;

4 (b) An agreement certificate of exemption claiming direct mail (or other written
5 statement approved, authorized or accepted by the state); or

6 (c) Information showing the jurisdictions to which the advertising and promotional
7 direct mail is to be delivered to recipients.

8 (2) If the purchaser provides the permit, certificate, or statement referred to in
9 paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the
10 absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any
11 transaction involving advertising and promotional direct mail to which the permit,
12 certificate, or statement applies. The purchaser shall source the sale to the jurisdictions
13 to which the advertising and promotional direct mail is to be delivered to the recipients and
14 shall report and pay any applicable tax due.

15 (3) If the purchaser provides the seller information showing the jurisdictions to
16 which the advertising and promotional direct mail is to be delivered to recipients, the seller
17 shall source the sale to the jurisdictions to which the advertising and promotional direct
18 mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad
19 faith, the seller is relieved of any further obligation to collect any additional tax on the sale
20 of advertising and promotional direct mail if the seller has sourced the sale according to
21 the delivery information provided by the purchaser.

22 (4) If the purchaser does not provide the seller with any of the items listed in
23 paragraph (a), (b), or (c) of subdivision (1) of subsection 1 of this section, the sale shall be
24 sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which
25 the advertising and promotional direct mail is delivered may disallow credit for tax paid
26 on sales sourced under this subdivision.

27 (5) Notwithstanding section 144.040, this subsection shall apply to sales of
28 advertising and promotional direct mail.

29 2. (1) Except as otherwise provided in this subsection, sales of other direct mail are
30 sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

31 (2) A purchaser of other direct mail may provide the seller with either:

32 (a) A direct pay permit; or

33 (b) An agreement certificate of exemption claiming direct mail (or other written
34 statement approved, authorized, or accepted by the state).

35 (3) If the purchaser provides the permit, certificate, or statement referred to in
36 paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad

37 **faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction**
38 **involving other direct mail to which the permit, certificate, or statement applies.**
39 **Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the**
40 **jurisdictions to which the other direct mail is to be delivered to the recipients and the**
41 **purchaser shall report and pay applicable tax due.**

42 **(4) Notwithstanding section 144.040, this subsection shall apply to sales of other**
43 **direct mail.**

44 **3. (1) (a) This section applies to a transaction characterized under state law as the**
45 **sale of services only if the service is an integral part of the production and distribution of**
46 **printed material that meets the definition of direct mail.**

47 **(b) This section does not apply to any transaction that includes the development of**
48 **billing information or the provision of any data processing service that is more than**
49 **incidental regardless of whether advertising and promotional direct mail is included in the**
50 **same mailing.**

51 **(2) If a transaction is a bundled transaction that includes advertising and**
52 **promotional direct mail, this section applies only if the primary purpose of the transaction**
53 **is the sale of products or services that meet the definition of advertising and promotional**
54 **direct mail.**

55 **(3) Nothing in this section shall limit any purchaser's:**

56 **(a) Obligation for sales or use tax to any state to which the direct mail is delivered;**

57 **(b) Right under local, state, federal or constitutional law, to a credit for sales or use**
58 **taxes legally due and paid to other jurisdictions; or**

59 **(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.**

60 **(4) This section applies for purposes of uniformly sourcing direct mail transactions**
61 **and does not impose requirements on states regarding the taxation of products that meet**
62 **the definition of direct mail or to the application of sales for resale or other exemptions.**

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

2 **(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross**
3 **weight of three thousand pounds or less, which is primarily used for recreational flying or flight**
4 **training;**

5 **(2) "Light aircraft kit", factory manufactured parts and components, including engine,**
6 **propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit**
7 **or partial kit designed to be assembled into a light aircraft and then operated by a qualified**
8 **purchaser for recreational and educational purposes;**

9 (3) "Parts and components", manufactured light aircraft parts, including air frame and
10 engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare
11 or replacement parts for an already completed light aircraft;

12 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or
13 components who is nonresident of this state, who will transport the light aircraft, light aircraft
14 kit, parts or components outside this state within ten days after the date of purchase, and who will
15 register any light aircraft so purchased in another state or country. Such purchaser shall not base
16 such aircraft in this state and such purchaser shall not be a resident of the state unless such
17 purchaser has paid sales or use tax on such aircraft in another state.

18 2. In addition to the exemptions granted under the provisions of section 144.030, there
19 shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections
20 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as
21 defined in section 32.085, and from the computation of the tax levied, assessed or payable under
22 sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local
23 sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts
24 or components manufactured or substantially completed within this state, when such new light
25 aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified
26 purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft,
27 light aircraft kit, parts or components to establish that such person is a qualified purchaser and
28 is eligible for the exemption established in this section.] **Except for the defined**
29 **telecommunications services in subsection 3 of this section, the sale of telecommunications**
30 **service sold on a call-by-call basis shall be sourced to:**

31 (1) **Each level of taxing jurisdiction where the call originates and terminates in that**
32 **jurisdiction; or**

33 (2) **Each level of taxing jurisdiction where the call either originates or terminates**
34 **and in which the service address is also located.**

35 2. **Except for the defined telecommunication services in subsection 3 of this section,**
36 **a sale of telecommunications services sold on a basis other than a call-by-call basis is**
37 **sourced to the customer's place of primary use.**

38 3. **The sale of the following telecommunication services shall be sourced to each**
39 **level of taxing jurisdiction as follows:**

40 (1) **A sale of mobile telecommunications services other than air-to-ground**
41 **radiotelephone service and prepaid calling service is sourced to the customer's place of**
42 **primary use as required by the Mobile Telecommunications Sourcing Act;**

43 (2) **A sale of post-paid calling service is sourced to the origination point of the**
44 **telecommunications signal as first identified by either:**

- 45 **(a) The seller's telecommunications system; or**
46 **(b) Information received by the seller from its service provider, where the system**
47 **used to transport such signals is not that of the seller;**
48 **(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service**
49 **is sourced in accordance with section 144.040, provided however, in the case of a sale of**
50 **prepaid wireless calling service, the sale shall be sourced to the address associated with the**
51 **mobile telephone number and, if no address is known by the seller, then under 144.040;**
52 **(4) A sale of a private communication service is sourced as follows:**
53 **(a) Service for a separate charge related to a customer channel termination point**
54 **is sourced to each level of jurisdiction in which such customer channel termination point**
55 **is located;**
56 **(b) Service where all customer termination points are located entirely within one**
57 **jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer**
58 **channel termination points are located;**
59 **(c) Service for segments of a channel between two customer channel termination**
60 **points located in different jurisdictions and which segments of channels are separately**
61 **charged is sourced fifty percent in each level of jurisdiction in which the customer channel**
62 **termination points are located; and**
63 **(d) Service for segments of a channel located in more than one jurisdiction or levels**
64 **of jurisdiction and which segments are not separately billed is sourced in each jurisdiction**
65 **based on the percentage determined by dividing the number of customer channel**
66 **termination points in such jurisdiction by the total number of customer channel**
67 **termination points.**
68 **4. The sale of internet access service is sourced to the customer's place of primary**
69 **use.**
70 **5. The sale of an ancillary service is sourced to the customer's place of primary use.**
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
8 (2) "Personal computers", a laptop, desktop, or tower computer system which consists
9 of a central processing unit, random access memory, a storage drive, a display monitor, and a
10 keyboard and devices designed for use in conjunction with a personal computer, such as a disk

11 drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem,
12 motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user
13 operating system, soundcard, or video card;

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

21 2.] In each year beginning on or after January 1, 2005, there is hereby specifically
22 exempted from state sales tax law all retail sales of any article of clothing having a taxable value
23 of one hundred dollars or less[,] ; all retail sales of school supplies, **school art supplies, and**
24 **school instructional materials** not to exceed fifty dollars per purchase[,] ; all **prewritten**
25 computer software with a taxable value of three hundred fifty dollars or less[,] ; and all retail
26 sales of [personal] computers [or computer peripheral devices] **and school computer supplies**
27 not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01
28 a.m. on the first Friday in August and ending at midnight on the Sunday following.

29 [3. If the governing body of any political subdivision adopted an ordinance that applied
30 to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax
31 holiday to apply to such political subdivision's local sales tax, then, notwithstanding any
32 provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such
33 political subdivision's local sales tax. However, any such political subdivision may enact an
34 ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political
35 subdivision must notify the department of revenue not less than forty-five calendar days prior
36 to the beginning date of the sales tax holiday occurring in that year of any ordinance or order
37 rescinding an ordinance or order to opt out.

38 4.] 2. This section shall not apply to any sales which take place within the Missouri state
39 fairgrounds.

40 [5.] 3. This section applies to sales of items bought for personal use only.

41 [6. After the 2005 sales tax holiday, any political subdivision may, by adopting an
42 ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local
43 sales tax. After opting out, the political subdivision may rescind the ordinance or order. The
44 political subdivision must notify the department of revenue not less than forty-five calendar days
45 prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or
46 order rescinding an ordinance or order to opt out.

47 7.] 4. This section may not apply to any retailer when less than two percent of the
48 retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer
49 a sales tax refund in lieu of the sales tax holiday.

144.051. 1. The retail sale of a product shall be sourced in accordance with section
2 144.040. The provisions of section 144.040 shall apply regardless of the characterization
3 of a product as tangible personal property, a digital good, or a service. The provisions of
4 section 144.040 shall apply only to determine a seller's obligation to pay or collect and
5 remit sales or use tax with respect to the seller's retail sale of a product. The provisions of
6 this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the
7 use of the product to the taxing jurisdictions of that use.

8 2. Section 144.040 shall not apply to sales or use taxes levied on the following:

9 (1) Retail sales or transfers of watercraft, modular homes, manufactured homes,
10 or mobile homes; and

11 (2) Telecommunications services and ancillary services.

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

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
10 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, and from
11 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and
12 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section**
13 **32.085**, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy
14 sources, chemicals, machinery, equipment, and materials used or consumed in the
15 manufacturing, processing, compounding, mining, or producing of any product, or used or
16 consumed in the processing of recovered materials, or used in research and development related
17 to manufacturing, processing, compounding, mining, or producing any product. The exemptions
18 granted in this subsection shall not apply to local sales **or use** taxes as defined in section 32.085
19 **and levied on electricity, piped natural or artificial gas, or other fuels delivered by the**
20 **seller**, and the provisions of this subsection shall be in addition to any state and local sales tax
21 exemption provided in section 144.030.

22 3. In addition to all other exemptions granted under this chapter, there is hereby
23 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
24 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from
25 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and
26 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085,
27 all utilities, machinery, and equipment used or consumed directly in television or radio
28 broadcasting and all sales and purchases of tangible personal property, utilities, services, or any
29 other transaction that would otherwise be subject to the state or local sales or use tax when such
30 sales are made to or purchases are made by a contractor for use in fulfillment of any obligation
31 under a defense contract with the United States government, and all sales and leases of tangible
32 personal property by any county, city, incorporated town, or village, provided such sale or lease
33 is authorized under chapter 100, and such transaction is certified for sales tax exemption by the
34 department of economic development, and tangible personal property used for railroad
35 infrastructure brought into this state for processing, fabrication, or other modification for use
36 outside the state in the regular course of business.

37 4. In addition to all other exemptions granted under this chapter, there is hereby
38 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
39 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from
40 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and
41 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085,
42 all sales and purchases of tangible personal property, utilities, services, or any other transaction
43 that would otherwise be subject to the state or local sales or use tax when such sales are made
44 to or purchases are made by a private partner for use in completing a project under sections
45 227.600 to 227.669.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or
2 outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales
3 tax law makes application to the director of revenue for an official certificate of title and the
4 registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law,
5 the owner shall present to the director of revenue evidence satisfactory to the director of revenue
6 showing the purchase price exclusive of any charge incident to the extension of credit paid by
7 or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard
8 motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its
9 acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax
10 provided by the Missouri sales tax law in addition to the registration fees now or hereafter
11 required according to law, and the director of revenue shall not issue a certificate of title for any
12 new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the

13 Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to
14 144.510 has been paid as provided in this section or is registered under the provisions of
15 subsection [5] 4 of this section.

16 2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total
17 amount of the contract price agreed upon between the seller and the applicant in the acquisition
18 of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment
19 therefor.

20 3.] In the event that the purchase price is unknown or undisclosed, or that the evidence
21 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by
22 the director.

23 [4.] 3. The director of the department of revenue shall endorse upon the official
24 certificate of title issued by the director upon such application an entry showing that such sales
25 tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such
26 certificate is exempt from sales tax and state the ground for such exemption.

27 [5.] 4. Any person, company, or corporation engaged in the business of renting or leasing
28 motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental
29 or lease purposes, and not for resale, may apply to the director of revenue for authority to operate
30 as a leasing company. Any company approved by the director of revenue may pay the tax due
31 on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time
32 of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010,
33 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company
34 which does not exercise the option of paying in accordance with section 144.020, on the amount
35 charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard
36 motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is
37 leased as the result of a contract executed in this state shall be presumed to be domiciled in this
38 state.

39 [6.] 5. Any corporation may have one or more of its divisions separately apply to the
40 director of revenue for authorization to operate as a leasing company, provided that the
41 corporation:

42 (1) Has filed a written consent with the director authorizing any of its divisions to apply
43 for such authority;

44 (2) Is authorized to do business in Missouri;

45 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from
46 one of its divisions to another of its divisions as a sale at retail;

47 (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230
48 each of its divisions doing business in Missouri as a leasing company; and

49 (5) Operates each of its divisions on a basis separate from each of its other divisions.
50 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a
51 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to
52 sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

53 [7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to
54 charge and collect sales tax as provided in this section, the owner shall make application to the
55 director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor
56 leasing company. The director of revenue shall promulgate rules and regulations determining the
57 qualifications of such a company, and the method of collection and reporting of sales tax charged
58 and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or
59 outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing
60 companies under the provisions of subsection [5] 4 of this section, and no motor vehicle renting
61 or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can
62 come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers,
63 boats, and outboard motors held for renting and leasing are included.

64 [8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560
65 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue
66 for authority to collect and remit the sales tax required under this section on all motor vehicles
67 sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit
68 the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer
69 authorized to collect and remit sales taxes on motor vehicles under this subsection shall be
70 entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax
71 pursuant to section 144.140. Any amount of the tax collected under this subsection that is
72 retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue.
73 In no event shall revenues from the general revenue fund or any other state fund be utilized to
74 compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor
75 vehicles. In the event this subsection or any portion thereof is held to violate article IV, section
76 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and
77 remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek
78 compensation from the state of Missouri or its agencies if a court of competent jurisdiction
79 declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and
80 orders the return of such revenues.

**144.082. 1. The director shall participate in an online registration system that will
2 allow sellers to register in this state and other member states.**

**3 2. By registering, the seller agrees to collect and remit sales and use taxes for all
4 taxable sales into this state as well as the other member states, including member states**

5 **joining after the seller's registration. Withdrawal or revocation of this state from the**
6 **agreement shall not relieve a seller of its responsibility to remit taxes previously or**
7 **subsequently collected on behalf of this state.**

8 **3. If the seller has a requirement to register prior to registering under the**
9 **agreement, such seller shall obtain a retail sales license under section 144.083 and register**
10 **under section 144.650.**

11 **4. Registration with the central registration system and the collection of sales and**
12 **use taxes in this state shall not be used as a factor in determining whether the seller has**
13 **nexus with this state for any tax at any time.**

144.083. 1. The director of revenue shall require all persons who are responsible for the
2 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no
3 cost to the licensee which shall be prominently displayed at the licensee's place of business, and
4 the license is valid until revoked by the director or surrendered by the person to whom issued
5 when sales are discontinued. The director shall issue the retail sales license within ten working
6 days following the receipt of a properly completed application. Any person applying for a retail
7 sales license or reinstatement of a revoked sales tax license who owes any tax under sections
8 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and
9 penalties before the department may issue the applicant a license or reinstate the revoked license.
10 All persons beginning business subsequent to August 13, 1986, and who are required to collect
11 the sales tax shall secure a retail sales license prior to making sales at retail. Such license may,
12 after ten days' notice, be revoked by the director of revenue only in the event the licensee shall
13 be in default for a period of sixty days in the payment of any taxes levied under section 144.020
14 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event
15 of revocation, the director of revenue may publish the status of the business account including
16 the date of revocation in a manner as determined by the director.

17 2. The possession of a retail sales license and a statement from the department of revenue
18 that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to
19 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation
20 license or any state license which is required for conducting any business where goods are sold
21 at retail. The date of issuance on the statement that the licensee owes no tax due shall be no
22 more than ninety days before the date of submission for application or renewal of the local
23 license. The revocation of a retailer's license by the director shall render the occupational license
24 or the state license null and void.

25 3. No person responsible for the collection of taxes under section 144.080 shall make
26 sales at retail unless such person is the holder of a valid retail sales license. After all appeals
27 have been exhausted, the director of revenue may notify the county or city law enforcement

28 agency representing the area in which the former licensee's business is located that the retail sales
29 license of such person has been revoked, and that any county or city occupation license of such
30 person is also revoked. The county or city may enforce the provisions of this section, and may
31 prohibit further sales at retail by such person.

32 4. In addition to the provisions of subsection 2 of this section, beginning January 1,
33 2009, the possession of a statement from the department of revenue stating no tax is due under
34 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the
35 issuance or renewal of any city or county occupation license or any state license required for
36 conducting any business where goods are sold at retail. The statement of no tax due shall be
37 dated no longer than ninety days before the date of submission for application or renewal of the
38 city or county license.

39 [5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale
40 price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts
41 or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

**144.084. 1. The director shall promulgate rules and regulations for remittance of
2 returns. Such rules shall:**

3 **(1) Allow for electronic payments by all remitters by both ACH credit and ACH
4 debit;**

5 **(2) Provide an alternative method for making "same day" payments if an electronic
6 funds transfer fails;**

7 **(3) Provide that if a due date falls on a legal banking holiday in the state, the taxes
8 shall be due on the next succeeding business day; and**

9 **(4) Require that any data that accompanies a remittance be formatted using
10 uniform tax type and payment type codes approved by the streamlined sales and use tax
11 governing board.**

12 **2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any
13 model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified
14 format approved by the director at such times as may be prescribed by the director.**

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] state:

10 (1) The name and address of the retailer;

11 (2) The total amount of gross sales of all tangible personal property and taxable
12 services rendered by the retailer during the period for which the return is made;

13 (3) The total amount received during the period for which the return is made on
14 charge and time sales of tangible personal property made and taxable services rendered
15 prior to the period for which the return is made;

16 (4) Deductions allowed by law from such total amount of gross sales and from total
17 amount received during the period for which the return is made on such charge and time
18 sales;

19 (5) Receipts during the period for which the return is made from the total amount
20 of sales of tangible personal property and taxable services rendered during such period in
21 the course of such business, after deductions allowed by law have been made;

22 (6) Receipts during the period for which the return is made from charge and time
23 sales of tangible personal property made and taxable services rendered prior to such
24 period in the course of such business, after deductions allowed by law have been made;

25 (7) Gross receipts during the period for which the return is made from sales of
26 tangible personal property and taxable services rendered in the course of such business
27 upon the basis of which the tax is imposed; and

28 (8) Such other pertinent information as the director may require.

29 3. In making such return, the retailer shall determine the market value of any
30 consideration, other than money, received in connection with the sale of any tangible
31 personal property in the course of the business and shall include such value in the return.
32 Such value shall be subject to review and revision by the director as hereinafter provided.
33 Refunds made by a retailer during the period for which the return is made on account of
34 tangible personal property returned to the retailer shall be allowed as a deduction under
35 subdivision (4) of subsection 2 of this section in case the retailer has included the receipts
36 from such sale in a return made by such retailer and paid taxes on such sale. The retailer
37 shall, at the time of making such return, pay to the director the amount of tax owed, except
38 as otherwise provided in this section. The director may extend the time for making returns
39 and paying the tax required by this section for any period not to exceed sixty days under
40 such rules and regulations as the director of revenue may prescribe.

41 4. The director shall only require a single tax return for each taxing period and
42 such return shall include only the taxing jurisdictions in which the seller makes sales

43 **within the state.** With each return, the person shall remit to the director of revenue the full
44 amount of the tax due.

45 [3.] **5.** In case of charge and time sales the gross receipts thereof shall be included as
46 sales in the returns as and when payments are received by the person, without any deduction
47 therefrom whatsoever.

48 [4.] **6.** If an error or omission is discovered in a return or a change be necessary to show
49 the true facts, the error may be corrected, the omission supplied, or the change made in the return
50 next filed with the director for the filing period immediately following the filing period in which
51 the error was made or the omission occurred, as prescribed by law, except that no refund under
52 this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges
53 incident to credit card discounts. Any other omission or error must be corrected by filing an
54 amended return for the erroneously reported period if the amount of tax is less than that
55 originally reported, or an additional return if the amount of tax is greater than that originally
56 reported. An additional return shall be deemed filed on the date the envelope in which it is
57 mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment
58 of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope
59 containing the payment is postmarked or the date the payment is received by the director,
60 whichever is earlier. If a refund or credit results from the filing of an amended return, no refund
61 or credit shall be allowed unless an application for refund or credit is properly completed and
62 submitted to the director pursuant to section 144.190.

63 [5.] **7.** The amount of gross receipts from sales and the amount of tax due returned by
64 the person, as well as all matters contained in the return, is subject to review and revision in the
65 manner herein provided for the correction of the returns.

**144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts
2 attributable to taxable sales of such seller that have become uncollectable. Any deduction
3 taken that is attributed to bad debts shall not include interest.**

**4 2. The amount of the bad debt deduction shall be calculated under 26 U.S.C.
5 Section 166(b), as amended, except that such amount shall be adjusted to exclude financing
6 charges or interest, sales, or use taxes charged on the purchase price, uncollectable
7 amounts on property that remain in the possession of the seller until the full purchase price
8 is paid, and expenses incurred in attempting to collect any debt or repossessed property.**

**9 3. Bad debts may be deducted on the return for the period during which the bad
10 debt is written off as uncollectable in the seller's books and records and is eligible to be
11 deducted for federal income tax purposes. For purposes of this subsection, a seller who is
12 not required to file federal income tax returns may deduct bad debt on a return filed for
13 the period in which the bad debt is written off as uncollectable in the seller's books and**

14 records and would be eligible for a bad debt deduction for federal income tax purposes if
15 the seller was required to file a federal income tax return.

16 4. If a deduction is taken for a bad debt and the debt is subsequently collected in
17 whole or in part, the tax on the amount so collected shall be paid and reported on the
18 return filed for the period in which the collection is made.

19 5. When the amount of bad debt exceeds the amount of taxable sales for the period
20 during which the bad debt is written off, a refund claim may be filed by the seller within
21 the applicable statute of limitations for a refund claim; however, the statute of limitations
22 shall be measured from the due date of the return on which the bad debt could first be
23 claimed.

24 6. Where filing responsibilities have been assumed by a certified service provider,
25 such service provider may claim, on behalf of the seller, any bad debt allowance provided
26 by this section. The certified service provider shall credit or refund the full amount of any
27 bad debt allowance or refund received to the seller.

28 7. For the purposes of reporting a payment received on a previously claimed bad
29 debt, any payments made on a debt or account shall first be applied proportionally to the
30 taxable price of the property or service and the sales tax thereon, and secondly to interest,
31 service charges, and any other charges.

32 8. In situations where the books and records of the seller, or certified service
33 provider on behalf of the seller, claiming the bad debt allowance support an allocation of
34 the bad debts among the member states, such an allocation shall be permitted.

144.106. 1. No purchaser shall be liable for a penalty for failure to pay the correct
2 amount of sales or use tax in the following circumstances:

3 (1) A purchaser's seller or CSP relied on erroneous data on tax rates, boundaries,
4 taxing jurisdiction assignments, or in the taxability matrix promulgated by the director as
5 described in sections 144.123 and 144.124;

6 (2) A purchaser holding a direct pay permit relied on erroneous data on tax rates,
7 boundaries, taxing jurisdiction assignments, or in the taxability matrix promulgated by the
8 director as described in sections 144.123 and 144.124;

9 (3) A purchaser relied on erroneous data in the taxability matrix promulgated by
10 the director as described in section 144.124;

11 (4) A purchaser relied on erroneous data on tax rates, boundaries, or taxing
12 jurisdiction assignments promulgated by the director as described in section 144.123.

13 2. No purchaser shall be liable for tax and interest for having failed to pay the
14 correct amount of sales or use tax in the circumstances described in section 144.106.1,
15 provided that, with respect to reliance on the taxability matrix promulgated by the director

16 as described in section 144.124, such relief is limited to the erroneous classification in the
17 taxability matrix of terms included in the Library of Definitions as "taxable" or "exempt,"
18 "included in sales price" or "excluded from sales price" or "included in the definition" or
19 "excluded from the definition".

20 3. For purposes of this section, the term "penalty" means an amount imposed for
21 noncompliance that is not fraudulent, willful, or intentional which is in addition to the
22 correct amount of sales or use tax and interest.

144.112. 1. The state shall review software submitted to the streamlined sales and
2 use tax governing board for certification as a certified automated system (CAS) under
3 Section 501 of the streamlined sales and use tax agreement. Such review shall include a
4 determination whether the program adequately classifies the state's product-based
5 exemptions. Upon completion of the review, the state shall certify to the governing board
6 its acceptance of the classifications made by the system. The state shall relieve a certified
7 service provider (CSP) or model 2 seller from liability to this state and its local
8 jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2
9 seller's reliance on the certification provided by the state.

10 2. The streamlined sales and use tax governing board and this state shall not be
11 responsible for classification of an item or transaction with the product-based exemptions.
12 The relief from liability provided in this section shall not be available for a CSP or model
13 2 seller that has incorrectly classified an item or transaction into a product-based
14 exemption certified by this state. This subsection shall apply to the individual listing of
15 items or transactions within a product definition approved by the governing board or the
16 state.

17 3. If the state determines that an item or transaction is incorrectly classified as to
18 its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The
19 CSP or model 2 seller shall have ten days to revise the classification after receipt of notice
20 from the state of the determination. Upon expiration of the ten days, such CSP or model
21 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and
22 owing to the state.

144.123. 1. The director shall provide and maintain a database that describes
2 boundary changes for all taxing jurisdictions and the effective dates of such changes for
3 sales and use tax purposes.

4 2. The director shall provide and maintain a database of all sales and use tax rates
5 for all taxing jurisdictions. For the identification of counties and cities, codes
6 corresponding to the rates shall be provided according to Federal Information Processing
7 Standards (FIPS) as developed by the National Institute of Standards and Technology. For

8 the identification of all other jurisdictions, codes corresponding to the rates shall be in a
9 format determined by the director.

10 3. The director shall provide and maintain a database that assigns each five- and
11 nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax
12 rate imposed in the zip code area shall apply if the area includes more than one tax rate in
13 any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a
14 street address, or if a seller or a certified service provider (CSP) is unable to determine the
15 nine-digit zip code designation applicable to a purchase after exercising due diligence to
16 determine the designation, the seller or CSP may apply the rate for the five-digit zip code
17 area. For purposes of this section, there shall be a rebuttable presumption that a seller or
18 CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip
19 code designation by utilizing software approved by the director that makes this designation
20 from the street address and the five-digit zip code applicable to a purchase.

21 4. The director may provide address-based boundary database records for
22 assigning taxing jurisdictions and associated rates which shall be in addition to the
23 requirements of subsection 3 of this section. The database records shall be in the same
24 approved format as the database records required under subsection 3 of this section and
25 shall meet the requirements developed under the federal Mobile Telecommunications
26 Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based
27 assignment database records pursuant to the agreement, sellers that register under the
28 agreement shall be required to use such database. A seller or CSP shall use such database
29 records in place of the five- and nine-digit zip code database records provided for in
30 subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate
31 and jurisdiction using an address-based database record after exercising due diligence, the
32 seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a
33 nine-digit zip code designation is not available for a street address or if a seller or CSP is
34 unable to determine the nine-digit zip code designation applicable to a purchase after
35 exercising due diligence to determine the designation, the seller or CSP may apply the rate
36 for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable
37 presumption that a seller or CSP has exercised due diligence if the seller or CSP has
38 attempted to determine the tax rate and jurisdiction by utilizing software approved by the
39 director and makes the assignment from the address and zip code information applicable
40 to the purchase. If the director has met the requirements of subsection 3 of this section, the
41 director may also elect to certify vendor provided address-based databases for assigning
42 tax rates and jurisdictions. The databases shall be in the same approved format as the
43 database records under this section and meet the requirements developed under the federal

44 **Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the**
45 **director certifies a vendor address-based database, a seller or CSP may use such database**
46 **in place of the database provided for in this subsection.**

47 **5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section**
48 **shall be in a downloadable format as determined by the director. The databases may be**
49 **directly provided by the director or provided by a vendor as designated by the director.**
50 **A database provided by a vendor as designated by the director shall be applicable and**
51 **subject to the provisions of section 144.1031 and this section. The databases shall be**
52 **provided at no cost to the user of the database. The provisions of subsections 3 and 4 of**
53 **this section shall not apply when the purchased product is received by the purchaser at the**
54 **business location of the seller.**

55 **6. No seller or CSP shall be liable for reliance upon erroneous data provided by the**
56 **director on tax rates, boundaries, or taxing jurisdiction assignments.**

144.124. 1. The director shall complete a taxability matrix. The state's entries in
2 **the matrix shall be provided and maintained by the director in a database that is in a**
3 **downloadable format.**

4 **2. The director shall provide reasonable notice of changes in the taxability of the**
5 **products or services listed in the taxability matrix.**

6 **3. A seller or certified service provider (CSP) shall be relieved from liability to this**
7 **state or any local taxing jurisdiction for having charged and collected the incorrect amount**
8 **of state or local sales or use tax resulting from such seller's or CSP's reliance upon**
9 **erroneous data provided by the director in the taxability matrix.**

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax
2 **to a seller who registers to pay or to collect and remit applicable sales or use tax on sales**
3 **made to purchasers in this state in accordance with the terms of the agreement, provided**
4 **that the seller was not so registered in this state in the twelve-month period preceding the**
5 **effective date of this state's participation in the agreement.**

6 **(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax**
7 **together with penalty or interest for sales made during the period the seller was not**
8 **registered in this state, provided registration occurs within twelve months of the effective**
9 **date of this state's participation in the agreement.**

10 **(3) Amnesty shall be provided if this state joins the agreement after the seller has**
11 **registered.**

12 **2. Amnesty shall not be available to a seller with respect to any matter or matters**
13 **for which the seller received notice of the commencement of an audit and which audit is**
14 **not yet finally resolved including any related administrative and judicial processes. The**

15 **amnesty shall not be available for sales or use taxes already paid or remitted to this state**
16 **or to taxes collected by the seller.**

17 **3. Amnesty provided under this section shall be fully effective, absent the seller's**
18 **fraud or intentional misrepresentation of a material fact, as long as the seller continues**
19 **registration and payment or collection and remittance of applicable sales or use taxes for**
20 **a period of at least thirty-six months. The statute of limitations applicable to asserting a**
21 **tax liability during this thirty-six month period shall be tolled.**

22 **4. Amnesty provided under this section shall be applicable only to sales or use taxes**
23 **due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in**
24 **its capacity as a purchaser.**

25 **5. The provisions of this section shall become effective as of the date that the state**
26 **joins and becomes a member state of the agreement.**

144.140. 1. From every remittance to the director of revenue made on or before the date
2 when the same becomes due, the person required to remit the same shall be entitled to deduct and
3 retain an amount equal to two percent thereof.

4 **2. If the director of the department of revenue enters into the streamlined sales and**
5 **use tax agreement under section 32.070, the director shall provide a monetary allowance**
6 **from the taxes collected to CSPs as determined by the streamlined sales and use tax**
7 **agreement in accordance with the streamlined sales and use tax agreement provided that**
8 **such allowance shall not exceed two percent of the amount collected. No seller using a CSP**
9 **that receives an allowance under this subsection shall be permitted to deduct and retain**
10 **any amounts under subsection 1.**

144.210. 1. The burden of proving that a sale of tangible personal property, services,
2 substances or things was not a sale at retail shall be upon the person who made the sale, except
3 that with respect to sales, services, or transactions provided for in section 144.070. [The seller
4 shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence
5 for any exempt sales claimed; provided, however, that before any administrative tribunal of this
6 state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof
7 admissible under the applicable rules of evidence; except that when a purchaser has purchased
8 tangible personal property or services sales tax free under a claim of exemption which is found
9 to be improper, the director of revenue may collect the proper amount of tax, interest, additions
10 to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty
11 collected by the director from the purchaser shall be credited against the amount otherwise due
12 from the seller on the purchases or sales where the exemption was claimed.]

13 **2. If the director of revenue is not satisfied with the return and payment of the tax made**
14 **by any person, he is hereby authorized and empowered to make an additional assessment of tax**

15 due from such person, based upon the facts contained in the return or upon any information
16 within his possession or that shall come into his possession.

17 3. The director of revenue shall give to the person written notice of such additional or
18 revised assessment by certified or registered mail to the person at his or its last known address.

**144.212. 1. In addition to all other provisions of law provided for exemptions, when
2 an exemption is claimed by a purchaser:**

3 **(1) The seller shall obtain identifying information of the purchaser and the reason
4 for claiming a tax exemption at the time of the purchase;**

5 **(2) A purchaser shall not be required to provide a signature to claim an exemption
6 from tax unless a paper exemption certificate is used;**

7 **(3) The seller shall use the standard form for claiming an exemption electronically
8 prescribed by the director of the department of revenue and acceptable to the streamlined
9 sales and use tax governing board;**

10 **(4) The seller shall obtain the same information for proof of a claimed exemption
11 regardless of the medium in which the transaction occurred;**

12 **(5) The seller shall maintain proper records of exempt transactions and provide
13 such records to the director of the department of revenue or the director's designee upon
14 request;**

15 **(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper,
16 may claim a resale exemption based on an exemption certificate provided by its customer
17 or any other acceptable information available to the third-party vendor evidencing
18 qualification for a resale exemption, regardless of whether the customer is registered to
19 collect and remit sales and use tax in the state where the sale is sourced.**

20 **2. (1) Sellers that comply with the requirements of this section shall be relieved
21 from collecting and remitting tax otherwise applicable if it is determined that the
22 purchaser improperly claimed an exemption and such purchaser shall be liable for the
23 nonpayment of tax. Relief from liability provided under this section shall not apply to a
24 seller who fraudulently fails to collect tax, to a seller who solicits purchasers to participate
25 in the unlawful claim of an exemption, to a seller who accepts an exemption certificate
26 when the purchaser claims an entity-based exemption when the subject of the transaction
27 sought to be covered by the exemption certificate is actually received by the purchaser at
28 a location operated by the seller and the state in which that location resides provides an
29 exemption certificate that clearly and affirmatively indicates that the claimed exemption
30 is not available in such state, or to a seller who accepts an exemption certificate claiming
31 multiple points of use for tangible personal property other than computer software for
32 which an exemption claiming multiple points of use is not available in such state.**

33 **(2) A seller shall be relieved from collecting and remitting tax otherwise applicable**
34 **if the seller obtains a fully completed exemption certificate or captures the relevant data**
35 **elements required under the agreement within ninety days subsequent to the date of sale.**

36 **(3) If a seller fails to obtain an exemption certificate or all relevant data elements**
37 **as provided in this section, the seller may, within one hundred twenty days subsequent to**
38 **a request for substantiation by the director of the department of revenue or the director's**
39 **designee, either prove that the transaction was not subject to tax by other means or obtain**
40 **a fully completed exemption certificate from the purchaser, taken in good faith.**

41 **3. Nothing in this section shall affect the ability of the director of the department**
42 **of revenue or the director's designee to require purchasers to update exemption certificate**
43 **information or to reapply with the state to claim certain exemptions.**

44 **4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the**
45 **director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket**
46 **exemption certificate for a purchaser with which the seller has a recurring business**
47 **relationship. The director shall not request from the seller renewal of blanket certificates**
48 **or updates of exemption certificate information or data elements when there is a recurring**
49 **business relationship between the buyer and seller. For purposes of this section, a**
50 **recurring business relationship exists when a period of no more than twelve months elapses**
51 **between sales transactions.**

144.285. 1. [In order to permit sellers required to collect and report the sales tax to
2 collect the amount required to be reported and remitted, but not to change the requirements of
3 reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of
4 pennies, the director of revenue shall establish brackets, showing the amounts of tax to be
5 collected on sales of specified amounts, which shall be applicable to all taxable transactions]
6 **When the seller is computing the amount of tax owed by the purchaser and remitted to the**
7 **state:**

8 **(1) Tax computation shall be carried to the third decimal place; and**

9 **(2) The tax shall be rounded to a whole cent using a method that rounds up to the**
10 **next cent whenever the third decimal place is greater than four.**

11 **2. [In all instances where statements covering taxable purchases are rendered to the**
12 **taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying**
13 **the applicable tax rate to the taxable purchases represented on the statement, rounded to the**
14 **nearest whole cent, or by application of the brackets established by the director of revenue, at the**
15 **option of the retail vendor] Sellers may elect to compute the tax due on a transaction on an**
16 **item or an invoice basis. The provision of this subsection may be applied to the aggregated**
17 **state and local taxes.**

18 3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax
19 any sum in excess of the sums provided for in this section.

20 4. [A vendor may, at his option, determine the amount charged to and received from each
21 purchaser by use of a formula which applies the applicable tax rate to each taxable purchase,
22 rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to
23 all purchases similarly situated.

24 5.] Amounts which a vendor charges to and receives from the purchaser in accordance
25 with this section shall not be includable in his gross receipts if the amounts are separately
26 charged or stated.

27 [6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer
28 pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a
29 filing period specified in section 144.080, the director of revenue shall deposit the tax remitted
30 proportionately to each taxing jurisdiction in accordance with the percentage that each such
31 jurisdiction's share of the tax due for the filing period bears to the total tax due from such
32 taxpayer for such period. The unpaid balance due along with penalties and interest shall be
33 similarly prorated among the state and all local jurisdictions for which tax was due during the
34 filing period for which an underpayment occurs. The provisions of this subsection shall apply
35 to all returns or remittances relating to sales made on or after January 1, 1984.

 144.517. In addition to the exemptions granted pursuant to section 144.030, there shall
2 also be exempted from state sales and use taxes all sales of [textbooks] **school instructional**
3 **materials**, as defined by section 170.051, when such [textbook is] **school instructional**
4 **materials are** purchased by a student who possesses proof of current enrollment at any Missouri
5 public or private university, college or other postsecondary institution of higher learning offering
6 a course of study leading to a degree in the liberal arts, humanities or sciences or in a
7 professional, vocational or technical field, provided that the books which are exempt from state
8 sales tax are those required or recommended for a class. Upon request the institution or
9 department must provide at least one list of [textbooks] **school instructional materials** to the
10 bookstore each semester. Alternately, the student may provide to the bookstore a list from the
11 instructor, department or institution of his or her required or recommended [textbooks] **school**
12 **instructional materials**. [This exemption shall not apply to any locally imposed sales or use
13 tax.]

 144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales
2 Tax Holiday".

3 2. [For purposes of this section, the following terms mean:

4 (1) "Appliance", clothes washers and dryers, water heaters, trash compactors,
5 dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and
6 freezers; and

7 (2) "Energy star certified", any appliance approved by both the United States
8 Environmental Protection Agency and the United States Department of Energy as eligible to
9 display the energy star label, as amended from time to time.

10 3.] In each year beginning on or after January 1, 2009, there is hereby specifically
11 exempted from state sales tax law all retail sales of any [energy star certified] new appliance
12 **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance,
13 during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight
14 on April twenty-fifth.

15 [4. A political subdivision may allow the sales tax holiday under this section to apply to
16 its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall
17 notify the department of revenue not less than forty-five calendar days prior to the beginning date
18 of the sales tax holiday occurring in that year of any such ordinance or order.

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

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.

48 **7. Any out-of-state seller that is not legally required to register for use tax in this**
49 **state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a**
50 **return for the calendar year. The return shall be filed and the taxes paid on or before**
51 **January thirty-first of the succeeding year. In the event that any out-of-state seller that is**
52 **not legally required to register for use tax in this state but chooses to collect and remit use**
53 **tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an**

54 **amount equal to one thousand dollars or more, such vendor shall file a return and remit**
55 **the amount due for the month in which the accumulated state and local use tax funds equal**
56 **or exceed one thousand dollars.**

144.710. [From every remittance made by a vendor as required by sections 144.600 to
2 144.745 to the director of revenue on or before the date when the remittance becomes due, the
3 vendor may deduct and retain an amount equal to two percent thereof.] **Any person receiving**
4 **an allowance under subsection 2 of section 144.140 shall not be entitled simultaneously to**
5 **deduct the allowance provided for in subsection 1 of section 144.140.**

184.845. 1. The board of the district may impose a museum and cultural district sales
2 tax by resolution on all retail sales made in such museum and cultural district which are subject
3 to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum and cultural
4 district sales tax may be imposed for any museum or cultural purpose designated by the board
5 of the museum and cultural district. If the resolution is adopted the board of the district may
6 submit the question of whether to impose a sales tax authorized by this section to the qualified
7 voters, who shall have the same voting interests as with the election of members of the board of
8 the district.

9 2. The sales tax authorized by this section shall become effective on the first day of the
10 second calendar quarter [following adoption of the tax by the board or qualified voters, if the
11 board elects to submit the question of whether to impose a sales tax to the qualified voters] **after**
12 **the director of revenue receives notification of the adoption of the local sales tax.**

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

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

24 5. All revenue received by a museum and cultural district from the tax authorized by this
25 section which has been designated for a certain museum or cultural purpose shall be deposited
26 in a special trust fund and shall be used solely for such designated purpose. All funds remaining
27 in the special trust fund shall continue to be used solely for such designated museum or cultural
28 purpose. Any funds in such special trust fund which are not needed for current expenditures may

29 be invested by the board of directors in accordance with applicable laws relating to the
30 investment of other museum or cultural district funds.

31 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one
32 percent or one percent on the receipts from the sale at retail of all tangible personal property or
33 taxable services at retail within the museum and cultural district adopting such tax, if such
34 property and services are subject to taxation by the state of Missouri pursuant to the provisions
35 of sections 144.010 to 144.525. Any museum and cultural district sales tax imposed pursuant
36 to this section shall be imposed at a rate that shall be uniform throughout the district.

37 7. On and after the effective date of any tax imposed pursuant to this section, the
38 [museum and cultural district] **director of revenue** shall perform all functions incident to the
39 administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to
40 this section shall be collected and reported upon such forms and under such administrative rules
41 and regulations as may be prescribed by the [museum and cultural district] **director**.

42 8. All applicable provisions contained in sections 144.010 to 144.525 governing the state
43 sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision,
44 shall apply to the collection of the tax imposed by this section, except as modified in this section.
45 All revenue collected under this section by the director of the department of revenue on behalf
46 of the museum and cultural districts, except for one percent for the cost of collection which shall
47 be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which
48 is hereby created and shall be known as the "Missouri Museum Cultural District Tax Fund", and
49 shall be used solely for such designated purpose. Moneys in the fund shall not be deemed to be
50 state funds, and shall not be commingled with any funds of the state. The director may make
51 refunds from the amounts in the fund and credited to the district for erroneous payments and
52 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
53 such county.

54 9. All exemptions granted to agencies of government, organizations, persons and to the
55 sale of certain articles and items of tangible personal property and taxable services pursuant to
56 the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and
57 collection of the tax imposed by this section.

58 10. The same sales tax permit, exemption certificate and retail certificate required by
59 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
60 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
61 certificate shall be required; except that the museum and cultural district may prescribe a form
62 of exemption certificate for an exemption from the tax imposed by this section.

63 11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for
64 violation of those sections are hereby made applicable to violations of this section.

65 12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all
66 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place
67 of business of the retailer unless the tangible personal property sold is delivered by the retailer
68 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an
69 out-of-state destination. In the event a retailer has more than one place of business in this state
70 which participates in the sale, the sale shall be deemed to be consummated at the place of
71 business of the retailer where the initial order for the tangible personal property is taken, even
72 though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or
73 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of
74 business from which the employee works.

75 13. All sales taxes collected by the museum and cultural district shall be deposited by
76 the museum and cultural district in a special fund to be expended for the purposes authorized in
77 this section. The museum and cultural district shall keep accurate records of the amount of
78 money which was collected pursuant to this section, and the records shall be open to the
79 inspection by the officers and directors of each museum and cultural district and the Missouri
80 department of revenue. Tax returns filed by businesses within the district shall otherwise be
81 considered as confidential in the same manner as sales tax returns filed with the Missouri
82 department of revenue.

83 14. No museum and cultural district imposing a sales tax pursuant to this section may
84 repeal or amend such sales tax unless such repeal or amendment will not impair the district's
85 ability to repay any liabilities which it has incurred, money which it has borrowed or revenue
86 bonds, notes or other obligations which it has issued or which have been issued to finance any
87 project or projects.

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

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

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

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

48 trust fund during the preceding month to the district which levied the tax. Such funds shall be
49 deposited with the treasurer of each such district, and all expenditures of funds arising from the
50 regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the
51 commission and shall be approved by the commission. Expenditures may be made from the fund
52 for any function authorized in the order adopted by the commission submitting the regional jail
53 district tax to the voters.

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

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

68 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] **fuels used to power motor vehicles, aircraft,
8 locomotives, or watercraft; electricity, piped natural or artificial gas, or other fuels
9 delivered by the seller; and the retail sales or transfer of motor vehicles, aircraft,
10 watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation
11 development district sales tax may be imposed for any transportation development purpose
12 designated by the transportation development district in its ballot of submission to its qualified
13 voters, except that no resolution enacted pursuant to the authority granted by this section shall
14 be effective unless:

15 (a) The board of directors of the transportation development district submits to the
16 qualified voters of the transportation development district a proposal to authorize the board of
17 directors of the transportation development district to impose or increase the levy of an existing
18 tax pursuant to the provisions of this section; or

19 (b) The voters approved the question certified by the petition filed pursuant to subsection
20 5 of section 238.207.

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

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

30 YES NO

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

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

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

49 (5) In order to permit sellers required to collect and report the sales tax authorized by this
50 section to collect the amount required to be reported and remitted, but not to change the

51 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
52 fractions of pennies, the transportation development district may establish appropriate brackets
53 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets
54 provided in section 144.285.

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

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

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

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

86 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the
87 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality
88 provision, shall apply to the collection of the tax imposed by this section, except as modified in
89 this section.

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

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

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

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

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

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

119 [6.] 4. (1) No transportation development district imposing a sales tax pursuant to this
120 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
121 district's ability to repay any liabilities which it has incurred, money which it has borrowed or

122 revenue bonds, notes or other obligations which it has issued or which have been issued by the
123 commission or any local transportation authority to finance any project or projects.

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

139 [7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to
140 the contrary, the sales tax imposed by a district whose project is a public mass transportation
141 system shall not be considered economic activity taxes as such term is defined under sections
142 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of
143 section 99.845, or subsection 4 of section 99.957.

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

151 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall**
152 **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 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 16 to the question, place an "X" in the box opposite "NO".

17

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

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

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

41 such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon
42 are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

43 5. The sales tax imposed under the provisions of this section shall impose upon all sellers
44 a tax for the privilege of engaging in the business of selling tangible personal property or
45 rendering taxable services at retail to the extent and in the manner provided in sections 144.010
46 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto;
47 except that the rate of the tax shall be the rate approved pursuant to this section. The amount
48 reported and returned to the director of revenue by the seller shall be computed on the basis of
49 the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this
50 section, plus any amounts imposed under other provisions of law.

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

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

76 sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to
77 violations of this section.

78 8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall
79 be deemed to be consummated at the place of business of the retailer, except for tangible
80 personal property sold which is delivered by the retailer or his agent to an out-of-state destination
81 or to a common carrier for delivery to an out-of-state destination and except for the sale of motor
82 vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this
83 section. In the event a retailer has more than one place of business in this state which
84 participates in the sale, the sale shall be deemed to be consummated at the place of business of
85 the retailer where the initial order for the tangible personal property is taken, even though the
86 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
87 sale by a retailer's employee shall be deemed to be consummated at the place of business from
88 which he works.

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

101 [10.] 9. The director of revenue may authorize the state treasurer to make refunds from
102 the amounts in the trust fund and credited to any transit authority for erroneous payments and
103 overpayments made, and may authorize the state treasurer to redeem dishonored checks and
104 drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax,
105 the transit authority shall notify the director of revenue of the action at least ninety days prior to
106 the effective date of the repeal and the director of revenue may order retention in the trust fund,
107 for a period of one year, of two percent of the amount collected after receipt of such notice to
108 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
109 deposited to the credit of such accounts. After one year has elapsed after the effective date of
110 abolition of the tax in such transit authority, the director of revenue shall authorize the state
111 treasurer to remit the balance in the account to the transit authority and close the account of that

112 transit authority. The director of revenue shall notify each transit authority of each instance of
113 any amount refunded or any check redeemed from receipts due the transit authority. The director
114 of revenue shall annually report on his management of the trust fund and administration of the
115 sales taxes authorized by this section. He shall provide each transit authority imposing the tax
116 authorized by this section with a detailed accounting of the source of all funds received by him
117 for the transit authority.

118 [11.] **10.** The director of revenue and any of his deputies, assistants and employees who
119 shall have any duties or responsibilities in connection with the collection, deposit, transfer,
120 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the
121 hands of the director of revenue under the provisions of this section shall enter a surety bond or
122 bonds payable to any and all transit authorities in whose behalf such funds have been collected
123 under this section in the amount of one hundred thousand dollars; but the director of revenue
124 may enter into a blanket bond or bonds covering himself and all such deputies, assistants and
125 employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by
126 the director of revenue from the share of the collection retained by the director of revenue for the
127 benefit of the state.

128 [12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and
129 sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted
130 by the seller, but shall be collected by the director of revenue at the time application is made for
131 a certificate of title, if the address of the applicant is within a county where a sales tax is imposed
132 under this section. The amounts so collected, less the one percent collection cost, shall be
133 deposited in the county transit authority sales tax trust fund. The purchase or sale of motor
134 vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address
135 of the applicant. As used in this subsection, the term "boat" shall only include motorboats and
136 vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

137 [13.] **12.** In any county where the transit authority sales tax has been imposed, if any
138 person is delinquent in the payment of the amount required to be paid by him under this section
139 or in the event a determination has been made against him for taxes and penalty under this
140 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
141 be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has
142 determined that suit must be filed against any person for the collection of delinquent taxes due
143 the state under the state sales tax law, and where such person is also delinquent in payment of
144 taxes under this section, the director of revenue shall notify the transit authority to which
145 delinquent taxes are due under this section by United States registered mail or certified mail at
146 least ten days before turning the case over to the attorney general. The transit authority, acting
147 through its attorney, may join in such suit as a party plaintiff to seek a judgment for the

148 delinquent taxes and penalty due such transit authority. In the event any person fails or refuses
149 to pay the amount of any sales tax due under this section, the director of revenue shall promptly
150 notify the transit authority to which the tax would be due so that appropriate action may be taken
151 by the transit authority.

152 [14.] **13.** Where property is seized by the director of revenue under the provisions of any
153 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax
154 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
155 tax imposed by this section, the director of revenue shall permit the transit authority to join in
156 any sale of property to pay the delinquent taxes and penalties due the state and to the transit
157 authority under this section. The proceeds from such sale shall first be applied to all sums due
158 the state, and the remainder, if any, shall be applied to all sums due such transit authority under
159 this section.

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

163 [16.] **14.** In the event that any transit authority in any county with a charter form of
164 government and with more than two hundred fifty thousand but fewer than three hundred fifty
165 thousand inhabitants submits a proposal in any election to increase the sales tax under this
166 section, and such proposal is approved by the voters, the county shall be reimbursed for the costs
167 of submitting such proposal from the funds derived from the tax levied under this section.

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

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection
8 [8] 7 of section 144.070 shall also include the amount of state and local sales tax collected for
9 each motor vehicle sold if sales tax was due. The odometer reading is not required when
10 reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having
11 a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are
12 transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer
13 and another, or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits,
14 without exception, shall be recorded in the appropriate space on the dealer's monthly sales report

15 by recording the complete permit number issued on the motor vehicle or trailer sale listed. The
16 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
17 dealership, and actually received by the department of revenue on or before the fifteenth day of
18 the month succeeding the month for which the sales are being reported. If no sales occur in any
19 given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer
20 who fails to file a monthly report or who fails to file a timely report shall be subject to
21 disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to
22 exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain
23 copies of the monthly sales report as part of the records to be maintained at the dealership
24 location and shall hold them available for inspection by appropriate law enforcement officials
25 and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles
26 a month shall file the monthly sales report with the department in an electronic format. Any
27 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice
28 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
29 transfer required by section 301.196 shall be submitted with the monthly sales report as
30 prescribed by the director.

31 2. Every dealer and every person operating a public garage shall keep a correct record
32 of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles
33 or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together
34 with the name and address of the person delivering such motor vehicle or trailer to the dealer or
35 public garage keeper, and the person delivering such motor vehicle or trailer shall record such
36 information in a file kept by the dealer or garage keeper. The record shall be kept for five years
37 and be open for inspection by law enforcement officials, members or authorized or designated
38 employees of the Missouri highway patrol, and persons, agencies and officials designated by the
39 director of revenue.

40 3. Every dealer and every person operating a public garage in which a motor vehicle
41 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
42 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on
43 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
44 address are known to the dealer or his employee or person operating a public garage or his
45 employee is not considered unclaimed. Any dealer or person operating a public garage who fails
46 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its
47 garaging, parking or storing.

48 4. The director of revenue shall maintain appropriately indexed cumulative records of
49 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection
50 during reasonable business hours.

51 5. The alteration or obliteration of the vehicle identification number on any such motor
 52 vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public
 53 garage shall upon the discovery of such obliteration or alteration immediately notify the highway
 54 patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or
 55 garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period
 56 of forty-eight hours for the purpose of an investigation by the officer so notified.

57 6. Any person who knowingly makes a false statement or omission of a material fact in
 58 a monthly sales report to the department of revenue, as described in subsection 1 of this section,
 59 shall be deemed guilty of a class A misdemeanor.

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 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 ordinance or order and any amendments thereto shall be in effect on the
 21 first day of the second quarter after the director of revenue receives notice of adoption of the tax.

22 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
 23 governing body of the municipality or county shall not impose the sales tax authorized in this
 24 section and section 644.033 until the governing body of the municipality or county resubmits
 25 another proposal to authorize the governing body of the municipality or county to impose the
 26 sales tax authorized by this section and section 644.033 and such proposal is approved by a
 27 majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant

28 to this section and section 644.033 be submitted to the voters sooner than twelve months from
 29 the date of the last proposal pursuant to this section and section 644.033.

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

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

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

2 [67.1971. All entities remitting the sales tax authorized pursuant to
 3 section 67.1959 shall have their liability reduced by an amount equal to
 4 twenty-five percent of any taxes collected and remitted pursuant to sections
 5 94.802 to 94.805.]

2 [144.1000. Sections 144.1000 to 144.1015 shall be known as and referred
 3 to as the "Simplified Sales and Use Tax Administration Act".]

2 [144.1003. As used in sections 144.1000 and 144.1015, the following terms shall
 3 mean:

- 3 (1) "Agreement", the streamlined sales and use tax agreement;
- 4 (2) "Certified automated system", software certified jointly by the states
 5 that are signatories to the agreement to calculate the tax imposed by each
 6 jurisdiction on a transaction, determine the amount of tax to remit to the
 7 appropriate state and maintain a record of the transaction;
- 8 (3) "Certified service provider", an agent certified jointly by the states
 9 that are signatories to the agreement to perform all of the seller's sales tax
 10 functions;
- 11 (4) "Person", an individual, trust, estate, fiduciary, partnership, limited
 12 liability company, limited liability partnership, corporation or any other legal
 13 entity;
- 14 (5) "Sales tax", any sales tax levied pursuant to this chapter, section
 15 32.085, or any other sales tax authorized by statute and levied by this state or its
 16 political subdivisions;
- 17 (6) "Seller", any person making sales, leases or rentals of personal property or
 18 services;
- 19 (7) "State", any state of the United States and the District of Columbia;
- 20 (8) "Use tax", the use tax levied pursuant to this chapter.]

2 [144.1006. For the purposes of reviewing and, if necessary, amending the
3 agreement embodying the simplification recommendations contained in section
4 144.1015, the state may enter into multistate discussions. For purposes of such
5 discussions, the state shall be represented by seven delegates, one of whom shall
6 be appointed by the governor, two members appointed by the speaker of the
7 house of representatives, one member appointed by the minority leader of the
8 house of representatives, two members appointed by the president pro tempore
9 of the senate and one member appointed by the minority leader of the senate.
10 The delegates need not be members of the general assembly and at least one of
11 the delegates appointed by the speaker of the house of representatives and one
12 member appointed by the president pro tempore of the senate shall be from the
13 private sector and represent the interests of Missouri businesses. The delegates
14 shall recommend to the committees responsible for reviewing tax issues in the
15 senate and the house of representatives each year any amendment of state statutes
16 required to be substantially in compliance with the agreement. Such delegates
17 shall make a written report by the fifteenth day of January each year regarding the
18 status of the multistate discussions and upon final adoption of the terms of the
19 sales and use tax agreement by the multistate body.]

2 [144.1009. No provision of the agreement authorized by sections
3 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of
4 the law of this state. Implementation of any condition of this agreement in this
5 state, whether adopted before, at, or after membership of this state in the
6 agreement, must be by action of the general assembly. Such report shall be
7 delivered to the governor, the secretary of state, the president pro tempore of the
8 senate and the speaker of the house of representatives and shall simultaneously
9 be made publicly available by the secretary of state to any person requesting a
10 copy.]

2 [144.1012. Unless five of the seven delegates agree, the delegates shall
3 not enter into or vote for any streamlined sales and use tax agreement that:

4 (1) Requires adoption of a definition of any term that would cause any
5 item or transaction that is now excluded or exempted from sales or use tax to
6 become subject to sales or use tax;

7 (2) Requires the state of Missouri to fully exempt or fully apply sales
8 taxes to the sale of food or any other item;

9 (3) Restricts the ability of local governments under statutes in effect on
10 August 28, 2002, to enact one or more local taxes on one or more items without
11 application of the tax to all sales within the taxing jurisdiction, however,
12 restriction of any such taxes allowed by statutes effective after August 28, 2002,
13 may be supported;

14 (4) Provides for adoption of any uniform rate structure that would result
in a tax increase for any Missouri taxpayer;

- 15 (5) Affects the sourcing of sales tax transactions; or
16 (6) Prohibits limitations or thresholds on the application of sales and use
17 tax rates or prohibits any current sales or use tax exemption in the state of
18 Missouri, including exemptions that are based on the value of the transaction or
19 item.]
20

2 [144.1015. In addition to the requirements of section 144.1012, the
3 delegates should consider the following features when deciding whether or not
4 to enter into any streamlined sales and use tax agreement:

5 (1) The agreement should address the limitation of the number of state
6 rates over time;

7 (2) The agreement should establish uniform standards for administration
8 of exempt sales and the form used for filing sales and use tax returns and
9 remittances;

10 (3) The agreement should require the state to provide a central, electronic
11 registration system that allows a seller to register to collect and remit sales and
12 use taxes for all signatory states;

13 (4) The agreement should provide that registration with the central
14 registration system and the collection of sales and use taxes in the signatory states
15 will not be used as a factor in determining whether the seller has nexus with a
16 state for any tax;

17 (5) The agreement should provide for reduction of the burdens of
18 complying with local sales and use taxes through the following so long as they
19 do not conflict with the provisions of section 144.1012:

20 (a) Restricting variances between the state and local tax bases;

21 (b) Requiring states to administer any sales and use taxes levied by local
22 jurisdictions within the state so that sellers collecting and remitting these taxes
23 will not have to register or file returns with, remit funds to, or be subject to
24 independent audits from local taxing jurisdictions;

25 (c) Restricting the frequency of changes in the local sales and use tax
26 rates and setting effective dates for the application of local jurisdictional
27 boundary changes to local sales and use taxes; and

28 (d) Providing notice of changes in local sales and use tax rates and of
29 changes in the boundaries of local taxing jurisdictions;

30 (6) The agreement should outline any monetary allowances that are to be
31 provided by the states to sellers or certified service providers. The agreement
32 must allow for a joint public and private sector study of the compliance cost on
33 sellers and certified service providers to collect sales and use taxes for state and
34 local governments under various levels of complexity to be completed by July 1,
35 2003;

36 (7) The agreement should require each state to certify compliance with
37 the terms of the agreement prior to joining and to maintain compliance, under the
laws of the member state, with all provisions of the agreement while a member,

38 only if the agreement and any amendment thereto complies with the provisions
39 of section 144.1012;

40 (8) The agreement should require each state to adopt a uniform policy for
41 certified service providers that protects the privacy of consumers and maintains
42 the confidentiality of tax information; and

43 (9) The agreement should provide for the appointment of an advisory
44 council of private sector representatives and an advisory council of nonmember
45 state representatives to consult with in the administration of the agreement.]

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Section B. This act shall become effective July 1, 2015.

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