

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2540, Page , Section , Line ,
2 AMEND House Committee Substitute for House Bill No. 2540, Page 4, Section 32.070, Line 2, by
3 inserting after all of said line the following:
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5 "2. (1) Beginning January first following the effective date of this act, all revenue generated
6 under the streamlined sales and use tax agreement act that exceeds the amount of revenue that
7 would have been collected if the streamlined sales and use tax agreement act were not effective shall
8 be deposited in the streamlined sales and use tax agreement special fund created in this section and
9 appropriated solely for the approved purposes. The department of revenue shall track and report the
10 collections generated under this act.

11 (2) There is hereby created in the state treasury the "Streamlined Sales and Use Tax
12 Agreement Special Fund", which shall consist of moneys collected under this subsection. The state
13 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
14 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,
15 moneys in the fund shall be transferred as follows: eighty-five percent to general revenue and
16 fifteen percent to the state transportation fund created in section 226.225. Notwithstanding the
17 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
18 biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest
19 moneys in the fund in the same manner as other funds are invested. Any interest and moneys
20 earned on such investments shall be credited to the fund."; and

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22 Further amend said section by renumbering the subsections accordingly; and

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24 Further amend said bill, Page 213, Section 221.407, Line 69, by inserting after all of said section
25 and line the following:
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27 "226.225. There is created in the state treasury a "State Transportation Fund". One percent
28 of the sales tax funds designated for highway and transportation use by Subsection 2 of Section
29 30(b) of Article IV of the State Constitution, fifteen percent of the sales and use tax funds collected
30 from the streamlined sales and use tax agreement act as determined under subsection 2 of section
31 32.070 or fifteen percent of the additional sales and use tax funds collected from internet sales as
32 determined under section 1, and other funds as are made available by appropriation, grants, bequests
33 or other sources for state transportation purposes other than road and highway construction and
34 maintenance shall be deposited in the state transportation fund. The state transportation fund shall
35 be utilized, as specified by appropriation, by the department of transportation for transportation
36 purposes other than highways. Such purposes may include the locating, relocating, establishing,

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1 acquiring, constructing, planning, developing, maintaining or operating public transportation
2 facilities or projects as part of any state or local transportation program, including but not limited to
3 aviation, mass transportation, railroads, ports, waterways, waterborne commerce, and transportation
4 of elderly and handicapped. Funds may be utilized for contracts with any public or private entity to
5 carry out the above or other purposes related to transportation."; and

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7 Further amend said bill, Page 408, Section 644.032, Line 42, by inserting after all of said section
8 and line the following:

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10 "Section 1. 1. Beginning January first following the effective date of this act, all revenue
11 generated from the additional sales and use tax collected on out-of-state internet sales, upon the
12 Supreme Court of the United States having issued a holding that allows states to collect sales and
13 use tax on purchases from out-of-state retailers, that exceeds the amount of revenue that would have
14 been collected without such decision, shall be deposited in the internet sales and use tax special fund
15 created in this section and appropriated solely for the approved purposes. The department of
16 revenue shall track and report the collections generated under this act.

17 2. There is hereby created in the state treasury the "Internet Sales and Use Tax Special
18 Fund", which shall consist of moneys collected under this section. The state treasurer shall be
19 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
20 approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the
21 fund shall be transferred as follows: eighty-five percent to general revenue and fifteen percent to
22 the state transportation fund created in section 226.225. Notwithstanding the provisions of section
23 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall revert to
24 the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
25 same manner as other funds are invested. Any interest and moneys earned on such investments
26 shall be credited to the fund."; and

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28 Further amend said bill, Page 417, Section D, Line 15, by inserting after all of said section and line
29 the following:

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31 "Section E. The enactment of section 1 of this act shall become effective on January first of
32 the year following the director of revenue notifying the revisor of statutes that the Supreme Court of
33 the United States issued an opinion in *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 735 (2018), that
34 overturns *Quill v. North Dakota*, 510 U.S. 859 (1992), and allows states to begin collecting sales
35 and use tax on purchases from out-of-state retailers."; and

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37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.

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