

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 555
101ST GENERAL ASSEMBLY

1222H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 32.310, 67.1401, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.918, 99.1082, 100.310, 105.145, 135.950, 137.115, 143.011, 143.031, 143.121, 143.131, 143.171, 144.605, 144.757, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 238.207, 238.235, 238.237, 262.900, 353.020, and 620.2005, RSMo, and to enact in lieu thereof twenty-nine new sections relating to taxation, with penalty provisions and an emergency clause.

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

Section A. Sections 32.310, 67.1401, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.918, 99.1082, 100.310, 105.145, 135.950, 137.115, 143.011, 143.031, 143.121, 143.131, 143.171, 144.605, 144.757, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 238.207, 238.235, 238.237, 262.900, 353.020, and 620.2005, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 32.310, 67.1401, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.918, 99.1082, 100.310, 105.145, 135.950, 137.115, 143.011, 143.031, 143.121, 143.131, 143.171, 144.605, 144.637, 144.752, 144.757, 238.207, 238.235, 238.237, 262.900, 353.020, and 620.2005, to read as follows:

32.310. 1. The department of revenue shall create and maintain a mapping feature on its official public website that displays sales **and use** tax information of political subdivisions of this state that have taxing authority, including the current tax rate for each sales **and use** tax imposed and collected. Such display shall have the option to showcase the borders and jurisdiction of the following political subdivisions on a map of the state to the extent that such political subdivisions collect sales **or use** tax:

- (1) Ambulance districts;
- (2) Community improvement districts;

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

9 (3) Fire protection districts;
10 (4) Levee districts;
11 (5) Library districts;
12 (6) Neighborhood improvement districts;
13 (7) Port authority districts;
14 (8) Tax increment financing districts;
15 (9) Transportation development districts;
16 (10) School districts; or
17 (11) Any other political subdivision that imposes a sales **or use** tax within its borders
18 and jurisdiction.

19 2. The mapping feature shall also have the option to superimpose state house of
20 representative districts and state senate districts over the political subdivisions.

21 3. A political subdivision collecting sales **or use** tax listed in subsection 1 of this section
22 shall provide to the department of revenue mapping and geographic data pertaining to the
23 political subdivision's borders and jurisdictions. The political subdivision shall certify the
24 accuracy of the data by affidavit and shall provide the data in a format specified by the
25 department of revenue. Such data shall be sent to the department of revenue by April 1, 2019,
26 and shall be updated and sent to the department if a change in the political subdivision's borders
27 or jurisdiction occurs thereafter.

28 4. The department of revenue may contract with another entity to build and maintain the
29 mapping feature.

30 5. By July 1, 2019, the department shall implement the mapping feature using the data
31 provided to it under subsection 3 of this section.

32 **6. (1) By July 1, 2022, the department of revenue shall update the mapping feature**
33 **to include property tax levy information of political subdivisions in this state that have**
34 **property taxing authority, including the current property tax rate for each property tax**
35 **levied. The mapping feature shall have the option to showcase the borders and jurisdiction**
36 **of all political subdivisions in this state that levy a property tax. By January 1, 2022, the**
37 **state auditor shall provide to the department of revenue all property tax levy information**
38 **necessary for the department to comply with the provisions of this subdivision.**

39 **(2) By July 1, 2022, the department shall update the mapping feature to include the**
40 **total sales tax rate for combined rates of overlapping sales taxes levied, the total use tax**
41 **rate for combined rates of overlapping use taxes levied, and the total property tax rate for**
42 **combined rates of overlapping property taxes levied.**

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the
2 "Community Improvement District Act".

3 2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

4 (1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to
5 67.1571, a simple majority of those qualified voters voting in the election;

6 (2) "Assessed value", the assessed value of real property as reflected on the tax records
7 of the county clerk of the county in which the property is located, or the collector of revenue if
8 the property is located in a city not within a county, as of the last completed assessment;

9 (3) "Blighted area", an area which [:

10 ~~——(a)]~~, by reason of the predominance of [~~defective or inadequate street layout,~~] insanitary
11 or unsafe conditions, [~~deterioration of site improvements, improper subdivision or obsolete~~
12 ~~plating,~~] or the existence of conditions which endanger life or property by fire and other causes,
13 or any combination of such factors, retards the provision of housing accommodations or
14 constitutes an economic or social liability or a menace to the public health, safety, [~~moral~~] or
15 welfare in its present condition and use[; or

16 ~~——(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law~~
17 ~~including, but not limited to, chapter 353, sections 99.800 to 99.865, or sections 99.300 to~~
18 ~~99.715]~~, and, for an area located in a city not within a county, which is located in a census
19 **tract that is defined as a "low-income community" under 26 U.S.C. Section 45D or is**
20 **eligible to be designated as a "qualified opportunity zone" under 26 U.S.C. Section 1400Z-**
21 **1;**

22 (4) "Board", if the district is a political subdivision, the board of directors of the district,
23 or if the district is a not-for-profit corporation, the board of directors of such corporation;

24 (5) "Director of revenue", the director of the department of revenue of the state of
25 Missouri;

26 (6) "District", a community improvement district, established pursuant to sections
27 67.1401 to 67.1571;

28 (7) "Election authority", the election authority having jurisdiction over the area in which
29 the boundaries of the district are located pursuant to chapter 115;

30 (8) "Municipal clerk", the clerk of the municipality;

31 (9) "Municipality", any city, village, incorporated town, or county of this state, or in any
32 unincorporated area that is located in any county with a charter form of government and with
33 more than one million inhabitants;

34 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other
35 evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes
36 or to refund outstanding obligations;

37 (11) "Owner", for real property, the individual or individuals or entity or entities who
38 own a fee interest in real property that is located within the district or their legally authorized

39 representative; for business organizations and other entities, the owner shall be deemed to be the
40 individual which is legally authorized to represent the entity in regard to the district;

41 (12) "Per capita", one head count applied to each individual, entity or group of
42 individuals or entities having fee ownership of real property within the district whether such
43 individual, entity or group owns one or more parcels of real property in the district as joint
44 tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with
45 respect to a condominium created under sections 448.1-101 to 448.4-120, "per capita" means one
46 head count applied to the applicable unit owners' association and not to each unit owner;

47 (13) "Petition", a petition to establish a district as it may be amended in accordance with
48 the requirements of section 67.1421;

49 (14) "Qualified voters",

50 (a) For purposes of elections for approval of real property taxes:

51 a. Registered voters; or

52 b. If no registered voters reside in the district, the owners of one or more parcels of real
53 property which is to be subject to such real property taxes and is located within the district per
54 the tax records for real property of the county clerk, or the collector of revenue if the district is
55 located in a city not within a county, as of the thirtieth day prior to the date of the applicable
56 election;

57 (b) For purposes of elections for approval of business license taxes or sales taxes:

58 a. Registered voters; or

59 b. If no registered voters reside in the district, the owners of one or more parcels of real
60 property located within the district per the tax records for real property of the county clerk as of
61 the thirtieth day before the date of the applicable election; and

62 (c) For purposes of the election of directors of the board, registered voters and owners
63 of real property which is not exempt from assessment or levy of taxes by the district and which
64 is located within the district per the tax records for real property of the county clerk, or the
65 collector of revenue if the district is located in a city not within a county, of the thirtieth day prior
66 to the date of the applicable election; and

67 (15) "Registered voters", persons who reside within the district and who are qualified
68 and registered to vote pursuant to chapter 115, pursuant to the records of the election authority
69 as of the thirtieth day prior to the date of the applicable election.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a
2 district sales and use tax on all retail sales made in such district which are subject to taxation
3 pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or
4 outboard motors and sales to or by public utilities and providers of communications, cable, or
5 video services. Any sales and use tax imposed pursuant to this section may be imposed in

6 increments of one-eighth of one percent, up to a maximum of one percent. Such district sales
7 and use tax may be imposed for any district purpose designated by the district in its ballot of
8 submission to [its] qualified voters; except that, no resolution adopted pursuant to this section
9 shall become effective unless the board of directors of the district submits to the qualified voters
10 of the district **if thirty thousand or more qualified voters reside in such district, or to the**
11 **qualified voters of the municipalities of the district if such district is located wholly within**
12 **one or more municipalities and less than thirty thousand qualified voters reside in such**
13 **district, or to the qualified voters of the county or counties of the district if such district is**
14 **not wholly located within one or more municipalities and less than thirty thousand**
15 **qualified voters reside in such district**, by mail-in ballot, a proposal to authorize a sales and
16 use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the
17 proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of
18 the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

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

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

25 YES NO

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

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

33 4. The director of the department of revenue shall collect any tax adopted pursuant to this
34 section pursuant to section 32.087.

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

39 6. In order to allow retailers to collect and report the sales and use tax authorized by this
40 section as well as all other sales and use taxes required by law in the simplest and most efficient

41 manner possible, a district may establish appropriate brackets to be used in the district imposing
42 a tax pursuant to this section in lieu of the brackets provided in section 144.285.

43 7. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this
44 section.

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

52 9. A district may repeal by resolution any sales and use tax imposed pursuant to this
53 section before the expiration date of such sales and use tax unless the repeal of such sales and
54 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
55 the district has borrowed or obligation the district has issued to finance any improvements or
56 services rendered for the district.

57 10. **Beginning January 1, 2022, any sales and use tax authorized by a district under**
58 **this section shall expire twenty years from this date or twenty years from the effective date**
59 **of such sales and use tax authorized by a district under this section, whichever is later,**
60 **unless reauthorized by the qualified voters under this section.**

61 11. Notwithstanding the provisions of chapter 115, an election for a district sales and use
62 tax under this section shall be conducted in accordance with the provisions of this section.

67.2677. For purposes of sections 67.2675 to 67.2714, the following terms mean:

2 (1) "Cable operator", as defined in 47 U.S.C. Section 522(5);

3 (2) "Cable system", as defined in 47 U.S.C. Section 522(7);

4 (3) "Franchise", an initial authorization, or renewal of an authorization, issued by a
5 franchising entity, regardless of whether the authorization is designated as a franchise, permit,
6 license, resolution, contract, certificate, agreement, or otherwise, that authorizes the provision
7 of video service and any affiliated or subsidiary agreements related to such authorization;

8 (4) "Franchise area", the total geographic area authorized to be served by an incumbent
9 cable operator in a political subdivision as of August 28, 2007, or, in the case of an incumbent
10 local exchange carrier, as such term is defined in 47 U.S.C. Section 251(h), or affiliate thereof,
11 the area within such political subdivision in which such carrier provides telephone exchange
12 service;

13 (5) "Franchise entity", a political subdivision that was entitled to require franchises and
14 impose fees on cable operators on the day before the effective date of sections 67.2675 to

15 67.2714, provided that only one political subdivision may be a franchise entity with regard to a
16 geographic area;

17 (6) (a) "Gross revenues", limited to amounts billed to video service subscribers [~~or~~
18 ~~received from advertisers~~] for the following:

19 a. Recurring charges for video service; **and**

20 b. Event-based charges for video service, including but not limited to pay-per-view and
21 video-on-demand charges;

22 [~~c. Rental of set top boxes and other video service equipment;~~

23 ~~— d. Service charges related to the provision of video service, including but not limited to~~
24 ~~activation, installation, repair, and maintenance charges;~~

25 ~~— e. Administrative charges related to the provision of video service, including but not~~
26 ~~limited to service order and service termination charges; and~~

27 ~~— f. A pro rata portion of all revenue derived, less refunds, rebates, or discounts, by a video~~
28 ~~service provider for advertising over the video service network to subscribers within the~~
29 ~~franchise area where the numerator is the number of subscribers within the franchise area, and~~
30 ~~the denominator is the total number of subscribers reached by such advertising;]~~

31 (b) "Gross revenues" do not include:

32 a. Discounts, refunds, and other price adjustments that reduce the amount of
33 compensation received by an entity holding a video service authorization;

34 b. Uncollectibles;

35 c. Late payment fees;

36 d. Amounts billed to video service subscribers to recover taxes, fees, or surcharges
37 imposed on video service subscribers or video service providers in connection with the provision
38 of video services, including the video service provider fee authorized by this section;

39 e. Fees or other contributions for PEG or I-Net support; [~~or~~]

40 f. Charges for services other than video service that are aggregated or bundled with
41 amounts billed to video service subscribers, if the entity holding a video service authorization
42 reasonably can identify such charges on books and records kept in the regular course of business
43 or by other reasonable means;

44 **g. Rental of set-top boxes, modems, or other equipment used to provide or facilitate**
45 **the provision of video service;**

46 **h. Service charges related to the provision of video service including, but not**
47 **limited to, activation, installation, repair, and maintenance charges;**

48 **i. Administrative charges related to the provision of video service including, but not**
49 **limited to, service order and service termination charges; or**

50 **j. A pro rata portion of all revenue derived from advertising, less refunds, rebates,**
51 **or discounts;**

52 (c) Except with respect to the exclusion of the video service provider fee, gross revenues
53 shall be computed in accordance with generally accepted accounting principles;

54 (7) "Household", an apartment, a house, a mobile home, or any other structure or part
55 of a structure intended for residential occupancy as separate living quarters;

56 (8) "Incumbent cable operator", the cable service provider serving cable subscribers in
57 a particular franchise area on September 1, 2007;

58 (9) "Low-income household", a household with an average annual household income of
59 less than thirty-five thousand dollars;

60 (10) "Person", an individual, partnership, association, organization, corporation, trust,
61 or government entity;

62 (11) "Political subdivision", a city, town, village, county;

63 (12) "Public right-of-way", the area of real property in which a political subdivision has
64 a dedicated or acquired right-of-way interest in the real property, including the area on, below,
65 or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards
66 dedicated or acquired as right-of-way and utility easements dedicated for compatible uses. The
67 term does not include the airwaves above a right-of-way with regard to wireless
68 telecommunications or other nonwire telecommunications or broadcast service;

69 (13) "Video programming", programming provided by, or generally considered
70 comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C.
71 Section 522(20);

72 (14) "Video service", the provision of video programming provided through wireline
73 facilities located at least in part in the public right-of-way without regard to delivery technology,
74 including internet protocol technology whether provided as part of a tier, on demand, or a
75 per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6),
76 but does not include any video programming provided by a commercial mobile service provider
77 defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and
78 via a service that enables users to access content, information, electronic mail, or other services
79 offered over the public internet;

80 (15) "Video service authorization", the right of a video service provider or an incumbent
81 cable operator that secures permission from the public service commission pursuant to sections
82 67.2675 to 67.2714, to offer video service to subscribers in a political subdivision;

83 (16) "Video service network", wireline facilities, or any component thereof, located at
84 least in part in the public right-of-way that deliver video service, without regard to delivery

85 technology, including internet protocol technology or any successor technology. The term video
86 service network shall include cable systems;

87 (17) "Video service provider", any person that distributes video service through a video
88 service network pursuant to a video service authorization;

89 (18) "Video service provider fee", the fee imposed under section 67.2689.

67.2689. 1. A franchise entity may collect a video service provider fee equal to not more
2 than five percent of the gross revenues ~~[from each]~~ **charged to each customer of a** video service
3 provider **that is** providing video service in the geographic area of such franchise entity. The
4 video service provider fee shall apply equally to all video service providers within the geographic
5 area of a franchise entity.

6 2. **Beginning January 1, 2023, in any county or municipality that adopts a local use**
7 **tax under section 144.757, the maximum percent of such gross revenues that franchise**
8 **entities may collect is as follows:**

9 (1) **Beginning January 1, 2023, four percent;**

10 (2) **Beginning January 1, 2024, three percent;**

11 (3) **Beginning January 1, 2025, two percent;**

12 (4) **Beginning January 1, 2026, one percent; and**

13 (5) **Beginning January 1, 2027, zero percent.**

14 3. Except as otherwise expressly provided in sections 67.2675 to 67.2714, neither a
15 franchise entity nor any other political subdivision shall demand any additional fees, licenses,
16 gross receipt taxes, or charges on the provision of video services by a video service provider and
17 shall not demand the use of any other calculation method.

18 ~~[3. All video service providers providing service in the geographic area of a franchise~~
19 ~~entity shall pay the video service provider fee at the same percent of gross revenues as had been~~
20 ~~assessed on the incumbent cable operator by the franchise entity immediately prior to the date~~
21 ~~of enactment of sections 67.2675 to 67.2714, and such percentage shall continue to apply until~~
22 ~~the date that the incumbent cable operator's franchise existing at that time expires or would have~~
23 ~~expired if it had not been terminated pursuant to sections 67.2675 to 67.2714. The franchise~~
24 ~~entity shall notify the applicant for a video service authorization of the applicable gross revenue~~
25 ~~fee percentage within thirty days of the date notice of the applicant is provided.]~~

26 4. Not more than once per calendar year after the date that the incumbent cable operator's
27 franchise existing on August 28, 2007, expires or would have expired if it had not been
28 terminated pursuant to sections 67.2675 to 67.2714, or in any political subdivision where no
29 franchise applied on the date of enactment of sections 67.2675 to 67.2714, no more than once
30 per calendar year after the video service provider fee was initially imposed, a franchise entity,
31 may, upon ninety days notice to all video service providers, elect to adjust the amount of the

32 video service provider fee subject to state and federal law, but in no event shall such fee exceed
33 ~~[five percent of a video service provider's gross revenue]~~ **the amounts provided under**
34 **subsections 1 and 2 of this section.**

35 5. The video service provider fee shall be paid to each franchise entity requiring such fee
36 on or before the last day of the month following the end of each calendar quarter ~~[and shall be~~
37 ~~calculated as a percentage of gross revenues, as defined under section 67.2677]~~. Any payment
38 made pursuant to subsection 8 of section 67.2703 shall be made at the same time as the payment
39 of the video service provider fee.

40 6. Any video service provider ~~[may]~~ **shall** identify and collect the amount of the video
41 service provider fee and collect any support under subsection 8 of section 67.2703 as separate
42 line items on subscriber bills. **The video service provider fee shall be labeled as a "City**
43 **Utility Pole Fee" on subscriber bills.**

99.020. The following terms, wherever used or referred to in sections 99.010 to 99.230,
2 shall have the following respective meanings unless a different meaning clearly appears from the
3 context:

4 (1) "Area of operation", in the case of a housing authority of a city, shall include such
5 city; in the case of a housing authority of a county, shall include all of the county except that
6 portion which lies within the territorial boundaries of any city as herein defined;

7 (2) "Authority" or "housing authority" shall mean any of the municipal corporations
8 created by section 99.040;

9 (3) "Blighted area" ~~[shall mean any area where dwellings predominate which, by reason~~
10 ~~of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination~~
11 ~~of these factors are detrimental to safety, health and morals]~~ **shall have the same meaning as**
12 **provided under section 67.1401;**

13 (4) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other
14 obligations issued by the authority pursuant to this chapter;

15 (5) "City" shall mean any city, town or village in the state;

16 (6) "The city" shall mean the particular city for which a particular housing authority is
17 created;

18 (7) "Clerk" shall mean the clerk of the city or the clerk of the county commission, as the
19 case may be, or the officer charged with the duties customarily imposed on such clerk;

20 (8) "County" shall mean any county in the state;

21 (9) "The county" shall mean the particular county for which a particular housing
22 authority is created;

23 (10) "Federal government" shall include the United States of America, the United States
24 Department of Housing and Urban Development or any other agency or instrumentality,
25 corporate or otherwise, of the United States of America;

26 (11) "Governing body" shall mean, in the case of a city, the city council, common
27 council, board of aldermen or other legislative body of the city, and in the case of a county, the
28 county commission or other legislative body of the county;

29 (12) "Housing project" shall mean any work or undertaking, whether in a blighted or
30 other area:

31 (a) To demolish, clear or remove buildings. Such work or undertaking may include the
32 adaptation of such area to public purposes, including parks or other recreation or community
33 purposes; or

34 (b) To provide decent, safe and sanitary urban or rural dwellings, apartments or other
35 living accommodations for persons of very low and lower income. Such work or undertaking
36 may include buildings, land, equipment, facilities and other real or personal property for
37 necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation,
38 gardening, administrative, community, health, welfare or other purposes. Such work or
39 undertaking may also include housing, for persons of moderate income, offices, stores, solar
40 energy access, parks, and recreational and educational facilities, provided that such activities be
41 undertaken only in conjunction with the provision of housing for persons of very low and lower
42 income, and provided further that any profit of the authority shall be distributed as provided in
43 subsection 3 of section 99.080; or

44 (c) To accomplish a combination of the foregoing. The term "housing project" also may
45 be applied to the planning of the buildings and improvements, the acquisition of property; the
46 demolition of existing structures, the construction, reconstruction, alteration and repair of the
47 improvements and all other work in connection therewith;

48 (d) In the planning and carrying out of any housing project owned and operated by a
49 housing authority, a housing authority shall establish procedures for allocating any training and
50 employment opportunities which may arise from such activity to qualified persons of very low
51 and lower income who have been unemployed for one year or more and reside within the area
52 of operation of the housing authority;

53 (13) "Mayor" shall mean the elected mayor of the city or the elected officer thereof
54 charged with duties customarily imposed on the mayor or executive head of the city;

55 (14) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or
56 trustees for any bondholders, or lessor demising to the authority property used in connection with
57 a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and
58 the federal government when it is a party to any contract with the authority;

59 (15) "Persons of very low income" means those persons or families whose annual
60 income does not exceed fifty percent of the median income for the area. "Persons of lower
61 income" means those persons or families whose annual income is greater than fifty but does not
62 exceed eighty percent of the median income for the area. "Persons of moderate income" means
63 those persons or families whose annual income is greater than eighty but does not exceed one
64 hundred and fifty percent of the median income for the area. For purposes of this subdivision,
65 median income for the area shall be determined in accordance with section 1437a, Title 42,
66 United States Code, including any amendments thereto. Any and all references to "persons of
67 low income" in this chapter shall mean persons of very low, lower or moderate income as
68 defined herein;

69 (16) "Profit" shall mean the difference between gross revenues and necessary and
70 ordinary business expenses, including debt service, if any;

71 (17) "Real property" shall include all lands, including improvements and fixtures
72 thereon, and property of any nature appurtenant thereto, or used in connection therewith, and
73 every estate, interest and right, legal or equitable, therein, including terms for years and liens by
74 way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

99.320. As used in this law, the following terms mean:

2 (1) "Area of operation", in the case of a municipality, the area within the municipality
3 except that the area of operation of a municipality under this law shall not include any area which
4 lies within the territorial boundaries of another municipality unless a resolution has been adopted
5 by the governing body of the other municipality declaring a need therefor; and in the case of a
6 county, the area within the county, except that the area of operation in such case shall not include
7 any area which lies within the territorial boundaries of a municipality unless a resolution has
8 been adopted by the governing body of the municipality declaring a need therefor; and in the case
9 of a regional authority, the area within the communities for which the regional authority is
10 created, except that a regional authority shall not undertake a land clearance project within the
11 territorial boundaries of any municipality unless a resolution has been adopted by the governing
12 body of the municipality declaring that there is a need for the regional authority to undertake the
13 land clearance project within such municipality; no authority shall operate in any area of
14 operation in which another authority already established is undertaking or carrying out a land
15 clearance project without the consent, by resolution, of the other authority;

16 (2) "Authority" or "land clearance for redevelopment authority", a public body corporate
17 and politic created by or pursuant to section 99.330 or any other public body exercising the
18 powers, rights and duties of such an authority;

19 (3) "Blighted area", ~~[an area which, by reason of the predominance of defective or~~
20 ~~inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements,~~

21 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
22 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
23 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
24 ~~health, safety, morals, or welfare in its present condition and use]~~ **the same meaning as**
25 **provided under section 67.1401;**

26 (4) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures,
27 or other obligations issued by an authority pursuant to this law;

28 (5) "Clerk", the clerk or other official of the municipality or county who is the custodian
29 of the official records of the municipality or county;

30 (6) "Community", any county or municipality except that such term shall not include any
31 municipality containing less than seventy-five thousand inhabitants until the governing body
32 thereof shall have submitted the proposition of accepting the provisions of this law to the
33 qualified voters therein at an election called and held as provided by law for the incurring of
34 indebtedness by such municipality, and a majority of the voters voting at the election shall have
35 voted in favor of such proposition;

36 (7) "Federal government", the United States of America or any agency or instrumentality,
37 corporate or otherwise, of the United States of America;

38 (8) "Governing body", the city council, common council, board of aldermen or other
39 legislative body charged with governing the municipality or the county commission or other
40 legislative body charged with governing the county;

41 (9) "Insanitary area", an area in which there is a predominance of buildings and
42 improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate
43 provision for ventilation, light, air sanitation or open spaces, high density of population and
44 overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger
45 life or property by fire and other causes, or any combination of such factors, is conducive to ill
46 health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes
47 an economic or social liability and is detrimental to the public health, safety, morals, or welfare;

48 (10) "Land clearance project", any work or undertaking:

49 (a) To acquire blighted, or insanitary areas or portions thereof, including lands,
50 structures, or improvements the acquisition of which is necessary or incidental to the proper
51 clearance, development or redevelopment of the blighted or insanitary areas or to the prevention
52 of the spread or recurrence of substandard or insanitary conditions or conditions of blight;

53 (b) To clear any such areas by demolition or removal of existing buildings, structures,
54 streets, utilities or other improvements thereon and to install, construct or reconstruct streets,
55 utilities, and site improvements essential to the preparation of sites for uses in accordance with
56 a redevelopment plan;

57 (c) To sell, lease or otherwise make available land in such areas for residential,
58 recreational, commercial, industrial or other use or for public use or to retain such land for public
59 use, in accordance with a redevelopment plan;

60 (d) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses,
61 buildings, structures and other facilities;

62 (e) The term "land clearance project" may also include the preparation of a
63 redevelopment plan, the planning, survey and other work incident to a land clearance project and
64 the preparation of all plans and arrangements for carrying out a land clearance project and
65 wherever the words "land clearance project" are used in this law, they shall also mean and
66 include the words "urban renewal project" as defined in this section;

67 (11) "Mayor", the elected mayor of the city or the elected officer having the duties
68 customarily imposed upon the mayor of the city or the executive head of a county;

69 (12) "Municipality", any incorporated city, town or village in the state;

70 (13) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising
71 to the authority property used in connection with land clearance project, or any assignee or
72 assignees of the lessor's interest or any part thereof, and the federal government when it is a party
73 to any contract with the authority;

74 (14) "Person", any individual, firm, partnership, corporation, company, association, joint
75 stock association, or body politic; and shall include any trustee, receiver, assignee, or other
76 similar representative thereof;

77 (15) "Public body", the state or any municipality, county, township, board, commission,
78 authority, district, or any other subdivision of the state;

79 (16) "Real property", all lands, including improvements and fixtures thereon, and
80 property of any nature appurtenant thereto, or used in connection therewith, and every estate,
81 interest and right, legal or equitable, therein, including terms for years and liens by way of
82 judgment, mortgage or otherwise and the indebtedness secured by such liens;

83 (17) "Redeveloper", any person, partnership, or public or private corporation or agency
84 which enters or proposes to enter into a redevelopment or rehabilitation or renewal contract;

85 (18) "Redevelopment contract", a contract entered into between an authority and
86 redeveloper for the redevelopment, rehabilitation or renewal of an area in conformity with a
87 redevelopment plan or an urban renewal plan;

88 (19) "Redevelopment", the process of undertaking and carrying out a redevelopment plan
89 or urban renewal plan;

90 (20) "Redevelopment plan", a plan other than a preliminary or tentative plan for the
91 acquisition, clearance, reconstruction, rehabilitation, renewal or future use of a land clearance
92 project area, and shall be sufficiently complete to comply with subdivision (4) of section 99.430

93 and shall be in compliance with a "workable program" for the city as a whole and wherever used
94 in sections 99.300 to 99.660 the words "redevelopment plan" shall also mean and include "urban
95 renewal plan" as defined in this section;

96 (21) "Urban renewal plan", a plan as it exists from time to time, for an urban renewal
97 project, which plan shall conform to the general plan for the municipality as a whole; and shall
98 be sufficiently complete to indicate such land acquisition, demolition and removal of structures,
99 redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area
100 of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities,
101 building requirements, and the relationship of the plan to definite local objectives respecting
102 appropriate land uses, improved traffic, public transportation, public utilities, recreational and
103 community facilities, and other public improvements; an urban renewal plan shall be prepared
104 and approved pursuant to the same procedure as provided with respect to a redevelopment plan;

105 (22) "Urban renewal project", any surveys, plans, undertakings and activities for the
106 elimination and for the prevention of the spread or development of insanitary, blighted,
107 deteriorated or deteriorating areas and may involve any work or undertaking for such purpose
108 constituting a land clearance project or any rehabilitation or conservation work, or any
109 combination of such undertaking or work in accordance with an urban renewal project; for this
110 purpose, "rehabilitation or conservation work" may include:

111 (a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation
112 of buildings or other improvements;

113 (b) Acquisition of real property and demolition, removal or rehabilitation of buildings
114 and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe
115 conditions, lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public
116 welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide
117 land for needed public facilities;

118 (c) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses,
119 buildings, structures and other facilities;

120 (d) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds,
121 and other improvements necessary for carrying out the objectives of the urban renewal project;
122 and

123 (e) The disposition, for uses in accordance with the objectives of the urban renewal
124 project, of any property or part thereof acquired in the area of the project; but such disposition
125 shall be in the manner prescribed in this law for the disposition of property in a land clearance
126 project area;

127 (23) "Workable program", an official plan of action, as it exists from time to time, for
128 effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas

129 within the community and for the establishment and preservation of a well-planned community
130 with well-organized residential neighborhoods of decent homes and suitable living environment
131 for adequate family life, for utilizing appropriate private and public resources to eliminate and
132 prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to
133 encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary,
134 deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other
135 feasible community activities as may be suitably employed to achieve the objectives of such a
136 program.

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Blighted area", ~~[an area which, by reason of the predominance of defective or~~
4 ~~inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements,~~
5 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
6 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
7 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
8 ~~health, safety, morals, or welfare in its present condition and use]~~ **the same meaning as**
9 **provided under section 67.1401;**

10 (2) "Collecting officer", the officer of the municipality responsible for receiving and
11 processing payments in lieu of taxes or economic activity taxes from taxpayers or the department
12 of revenue;

13 (3) "Conservation area", any improved area within the boundaries of a redevelopment
14 area located within the territorial limits of a municipality in which fifty percent or more of the
15 structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted
16 area but is detrimental to the public health, safety, morals, or welfare and may become a blighted
17 area because of any one or more of the following factors: dilapidation; obsolescence;
18 deterioration; illegal use of individual structures; presence of structures below minimum code
19 standards; abandonment; excessive vacancies; overcrowding of structures and community
20 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land
21 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of
22 community planning. A conservation area shall meet at least three of the factors provided in this
23 subdivision for projects approved on or after December 23, 1997;

24 (4) "Economic activity taxes", the total additional revenue from taxes which are imposed
25 by a municipality and other taxing districts, and which are generated by economic activities
26 within a redevelopment area over the amount of such taxes generated by economic activities
27 within such redevelopment area in the calendar year prior to the adoption of the ordinance
28 designating such a redevelopment area, while tax increment financing remains in effect, but

29 excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by
30 transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment
31 projects or redevelopment plans approved after December 23, 1997, if a retail establishment
32 relocates within one year from one facility to another facility within the same county and the
33 governing body of the municipality finds that the relocation is a direct beneficiary of tax
34 increment financing, then for purposes of this definition, the economic activity taxes generated
35 by the retail establishment shall equal the total additional revenues from economic activity taxes
36 which are imposed by a municipality or other taxing district over the amount of economic
37 activity taxes generated by the retail establishment in the calendar year prior to its relocation to
38 the redevelopment area;

39 (5) "Economic development area", any area or portion of an area located within the
40 territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and
41 (3) of this section, and in which the governing body of the municipality finds that redevelopment
42 will not be solely used for development of commercial businesses which unfairly compete in the
43 local economy and is in the public interest because it will:

44 (a) Discourage commerce, industry or manufacturing from moving their operations to
45 another state; or

46 (b) Result in increased employment in the municipality; or

47 (c) Result in preservation or enhancement of the tax base of the municipality;

48 (6) "Gambling establishment", an excursion gambling boat as defined in section 313.800
49 and any related business facility including any real property improvements which are directly and
50 solely related to such business facility, whose sole purpose is to provide goods or services to an
51 excursion gambling boat and whose majority ownership interest is held by a person licensed to
52 conduct gambling games on an excursion gambling boat or licensed to operate an excursion
53 gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable
54 only to a redevelopment area designated by ordinance adopted after December 23, 1997;

55 (7) "Greenfield area", any vacant, unimproved, or agricultural property that is located
56 wholly outside the incorporated limits of a city, town, or village, or that is substantially
57 surrounded by contiguous properties with agricultural zoning classifications or uses unless said
58 property was annexed into the incorporated limits of a city, town, or village ten years prior to the
59 adoption of the ordinance approving the redevelopment plan for such greenfield area;

60 (8) "Municipality", a city, village, or incorporated town or any county of this state. For
61 redevelopment areas or projects approved on or after December 23, 1997, municipality applies
62 only to cities, villages, incorporated towns or counties established for at least one year prior to
63 such date;

64 (9) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences
65 of indebtedness issued by a municipality to carry out a redevelopment project or to refund
66 outstanding obligations;

67 (10) "Ordinance", an ordinance enacted by the governing body of a city, town, or village
68 or a county or an order of the governing body of a county whose governing body is not
69 authorized to enact ordinances;

70 (11) "Payment in lieu of taxes", those estimated revenues from real property in the area
71 selected for a redevelopment project, which revenues according to the redevelopment project or
72 plan are to be used for a private use, which taxing districts would have received had a
73 municipality not adopted tax increment allocation financing, and which would result from levies
74 made after the time of the adoption of tax increment allocation financing during the time the
75 current equalized value of real property in the area selected for the redevelopment project
76 exceeds the total initial equalized value of real property in such area until the designation is
77 terminated pursuant to subsection 2 of section 99.850;

78 (12) "Redevelopment area", an area designated by a municipality, in respect to which the
79 municipality has made a finding that there exist conditions which cause the area to be classified
80 as a blighted area, a conservation area, an economic development area, an enterprise zone
81 pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only
82 those parcels of real property directly and substantially benefitted by the proposed redevelopment
83 project;

84 (13) "Redevelopment plan", the comprehensive program of a municipality for
85 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those
86 conditions, the existence of which qualified the redevelopment area as a blighted area,
87 conservation area, economic development area, or combination thereof, and to thereby enhance
88 the tax bases of the taxing districts which extend into the redevelopment area. Each
89 redevelopment plan shall conform to the requirements of section 99.810;

90 (14) "Redevelopment project", any development project within a redevelopment area in
91 furtherance of the objectives of the redevelopment plan; any such redevelopment project shall
92 include a legal description of the area selected for the redevelopment project;

93 (15) "Redevelopment project costs" include the sum total of all reasonable or necessary
94 costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan
95 or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

96 (a) Costs of studies, surveys, plans, and specifications;

97 (b) Professional service costs, including, but not limited to, architectural, engineering,
98 legal, marketing, financial, planning or special services. Except the reasonable costs incurred
99 by the commission established in section 99.820 for the administration of sections 99.800 to

100 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be
101 included in the costs of a redevelopment plan or project;

102 (c) Property assembly costs, including, but not limited to:

103 a. Acquisition of land and other property, real or personal, or rights or interests therein;

104 b. Demolition of buildings; and

105 c. The clearing and grading of land;

106 (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings
107 and fixtures;

108 (e) Initial costs for an economic development area;

109 (f) Costs of construction of public works or improvements;

110 (g) Financing costs, including, but not limited to, all necessary and incidental expenses
111 related to the issuance of obligations, and which may include payment of interest on any
112 obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period
113 of construction of any redevelopment project for which such obligations are issued and for not
114 more than eighteen months thereafter, and including reasonable reserves related thereto;

115 (h) All or a portion of a taxing district's capital costs resulting from the redevelopment
116 project necessarily incurred or to be incurred in furtherance of the objectives of the
117 redevelopment plan and project, to the extent the municipality by written agreement accepts and
118 approves such costs;

119 (i) Relocation costs to the extent that a municipality determines that relocation costs shall
120 be paid or are required to be paid by federal or state law;

121 (j) Payments in lieu of taxes;

122 (16) "Special allocation fund", the fund of a municipality or its commission which
123 contains at least two separate segregated accounts for each redevelopment plan, maintained by
124 the treasurer of the municipality or the treasurer of the commission into which payments in lieu
125 of taxes are deposited in one account, and economic activity taxes and other revenues are
126 deposited in the other account;

127 (17) "Taxing districts", any political subdivision of this state having the power to levy
128 taxes;

129 (18) "Taxing districts' capital costs", those costs of taxing districts for capital
130 improvements that are found by the municipal governing bodies to be necessary and to directly
131 result from the redevelopment project; and

132 (19) "Vacant land", any parcel or combination of parcels of real property not used for
133 industrial, commercial, or residential buildings.

99.918. As used in sections 99.915 to 99.980, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Authority", the downtown economic stimulus authority for a municipality, created
4 pursuant to section 99.921;

5 (2) "Baseline year", the calendar year prior to the adoption of an ordinance by the
6 municipality approving a development project; provided, however, if economic activity taxes or
7 state sales tax revenues, from businesses other than any out-of-state business or businesses
8 locating in the development project area, decrease in the development project area in the year
9 following the year in which the ordinance approving a development project is approved by a
10 municipality, the baseline year may, at the option of the municipality approving the development
11 project, be the year following the year of the adoption of the ordinance approving the
12 development project. When a development project area is located within a county for which
13 public and individual assistance has been requested by the governor pursuant to Section 401 of
14 the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq.,
15 for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster
16 of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the
17 development project area is a central business district that sustained severe damage as a result
18 of such natural disaster, as determined by the state emergency management agency, the baseline
19 year may, at the option of the municipality approving the development project, be the calendar
20 year in which the natural disaster occurred or the year following the year in which the natural
21 disaster occurred, provided that the municipality adopts an ordinance approving the development
22 project within one year after the occurrence of the natural disaster;

23 (3) "Blighted area", ~~[an area which, by reason of the predominance of defective or~~
24 ~~inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,~~
25 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
26 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
27 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
28 ~~health, safety, morals, or welfare in its present condition and use]~~ **the same meaning as**
29 **provided under section 67.1401;**

30 (4) "Central business district", the area at or near the historic core that is locally known
31 as the "downtown" of a municipality that has a median household income of sixty-two thousand
32 dollars or less, according to the United States Census Bureau's American Community Survey,
33 based on the most recent of five-year period estimate data in which the final year of the estimate
34 ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will
35 have been built in excess of thirty-five years prior or vacant lots that had prior structures built
36 in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment
37 plan. The historical land use emphasis of a central business district prior to redevelopment will

38 have been a mixed use of business, commercial, financial, transportation, government, and
39 multifamily residential uses;

40 (5) "Collecting officer", the officer of the municipality responsible for receiving and
41 processing payments in lieu of taxes, economic activity taxes other than economic activity taxes
42 which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales
43 taxes and state taxes, the director of revenue;

44 (6) "Conservation area", any improved area within the boundaries of a redevelopment
45 area located within the territorial limits of a municipality in which fifty percent or more of the
46 structures in the area have an age of thirty-five years or more, and such an area is not yet a
47 blighted area but is detrimental to the public health, safety, morals, or welfare and may become
48 a blighted area because of any one or more of the following factors: dilapidation; obsolescence;
49 deterioration; illegal use of individual structures; presence of structures below minimum code
50 standards; abandonment; excessive vacancies; overcrowding of structures and community
51 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land
52 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of
53 community planning;

54 (7) "Development area", an area designated by a municipality in respect to which the
55 municipality has made a finding that there exist conditions which cause the area to be classified
56 as a blighted area or a conservation area, which area shall have the following characteristics:

57 (a) It includes only those parcels of real property directly and substantially benefitted by
58 the proposed development plan;

59 (b) It can be renovated through one or more development projects;

60 (c) It is located in the central business district;

61 (d) It has generally suffered from declining population or property taxes for the
62 twenty-year period immediately preceding the area's designation as a development area or has
63 structures in the area fifty percent or more of which have an age of thirty-five years or more;

64 (e) It is contiguous, provided, however that a development area may include up to three
65 noncontiguous areas selected for development projects, provided that each noncontiguous area
66 meets the requirements of paragraphs (a) to (g) herein;

67 (f) The development area shall not exceed ten percent of the entire area of the
68 municipality; and

69 (g) The development area shall not include any property that is located within the one
70 hundred year flood plain, as designated by the Federal Emergency Management Agency flood
71 delineation maps, unless such property is protected by a structure that is inspected and certified
72 by the United States Army Corps of Engineers. This subdivision shall not apply to property
73 within the one hundred year flood plain if the buildings on the property have been or will be

74 flood proofed in accordance with the Federal Emergency Management Agency's standards for
75 flood proofing and the property is located in a home rule city with more than one hundred
76 fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred
77 inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal
78 Emergency Management Agency's standards for flood proofing by the authority shall be eligible
79 for the state sales tax increment and the state income tax increment. Subject to the limitation set
80 forth in this subdivision, the development area can be enlarged or modified as provided in
81 section 99.951;

82 (8) "Development plan", the comprehensive program of a municipality to reduce or
83 eliminate those conditions which qualified a development area as a blighted area or a
84 conservation area, and to thereby enhance the tax bases of the taxing districts which extend into
85 the development area through the reimbursement, payment, or other financing of development
86 project costs in accordance with sections 99.915 to 99.980 and through the exercise of the
87 powers set forth in sections 99.915 to 99.980. The development plan shall conform to the
88 requirements of section 99.942;

89 (9) "Development project", any development project within a development area which
90 constitutes a major initiative in furtherance of the objectives of the development plan, and any
91 such development project shall include a legal description of the area selected for such
92 development project;

93 (10) "Development project area", the area located within a development area selected
94 for a development project;

95 (11) "Development project costs" include such costs to the development plan or a
96 development project, as applicable, which are expended on public property, buildings, or
97 rights-of-ways for public purposes to provide infrastructure to support a development project.
98 Such costs shall only be allowed as an initial expense which, to be recoverable, must be included
99 in the costs of a development plan or development project, except in circumstances of plan
100 amendments approved by the Missouri development finance board and the department of
101 economic development. Such infrastructure costs include, but are not limited to, the following:

102 (a) Costs of studies, appraisals, surveys, plans, and specifications;

103 (b) Professional service costs, including, but not limited to, architectural, engineering,
104 legal, marketing, financial, planning, or special services;

105 (c) Property assembly costs, including, but not limited to, acquisition of land and other
106 property, real or personal, or rights or interests therein, demolition of buildings, and the clearing
107 and grading of land;

108 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public
109 buildings and fixtures;

- 110 (e) Costs of construction of public works or improvements;
- 111 (f) Financing costs, including, but not limited to, all necessary expenses related to the
112 issuance of obligations issued to finance all or any portion of the infrastructure costs of one or
113 more development projects, and which may include capitalized interest on any such obligations
114 and reasonable reserves related to any such obligations;
- 115 (g) All or a portion of a taxing district's capital costs resulting from any development
116 project necessarily incurred or to be incurred in furtherance of the objectives of the development
117 plan, to the extent the municipality by written agreement accepts and approves such
118 infrastructure costs;
- 119 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted
120 by approval of a development project;
- 121 (i) State government costs, including, but not limited to, the reasonable costs incurred
122 by the department of economic development, the department of revenue and the office of
123 administration in evaluating an application for and administering state supplemental downtown
124 development financing for a development project; and
- 125 (j) Endowment of positions at an institution of higher education which has a designation
126 as a Carnegie Research I University including any campus of such university system, subject to
127 the provisions of section 99.958. In addition, economic activity taxes and payment in lieu of
128 taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or
129 estimated to be incurred in furtherance of a development plan or a development project;
- 130 (12) "Economic activity taxes", the total additional revenue from taxes which are
131 imposed by the municipality and other taxing districts, and which are generated by economic
132 activities within each development project area, which are not related to the relocation of any
133 out-of-state business into the development project area, which exceed the amount of such taxes
134 generated by economic activities within such development project area in the baseline year plus,
135 in development project areas where the baseline year is the year following the year in which the
136 development project is approved by the municipality pursuant to subdivision (2) of this section,
137 the total revenue from taxes which are imposed by the municipality and other taxing districts
138 which is generated by economic activities within the development project area resulting from the
139 relocation of an out-of-state business or out-of-state businesses to the development project area
140 pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or
141 charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special
142 assessments. If a retail establishment relocates within one year from one facility to another
143 facility within the same county and the municipality or authority finds that the retail
144 establishment is a direct beneficiary of development financing, then for purposes of this
145 definition, the economic activity taxes generated by the retail establishment shall equal the total

146 additional revenues from taxes which are imposed by the municipality and other taxing districts
 147 which are generated by the economic activities within the development project area which
 148 exceed the amount of taxes which are imposed by the municipality and other taxing districts
 149 which are generated by economic activities within the development project area generated by the
 150 retail establishment in the baseline year;

151 (13) "Gambling establishment", an excursion gambling boat as defined in section
 152 313.800 and any related business facility including any real property improvements which are
 153 directly and solely related to such business facility, whose sole purpose is to provide goods or
 154 services to an excursion gambling boat and whose majority ownership interest is held by a person
 155 licensed to conduct gambling games on an excursion gambling boat or licensed to operate an
 156 excursion gambling boat as provided in sections 313.800 to 313.850;

157 (14) "Major initiative", a development project within a central business district that:

158 (a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas,
 159 multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost
 160 of which is in excess of the amount set forth below for the municipality, as applicable; or

161 (b) Promotes business location or expansion, the estimated cost of which is in excess of
 162 the amount set forth below for the municipality, and is estimated to create at least as many new
 163 jobs as set forth below within three years of such location or expansion:

| Population of Municipality | Estimated Project Cost | New Jobs Created |
|----------------------------|------------------------|------------------|
| 300,000 or more | \$10,000,000 | at least 100 |
| 100,000 to 299,999 | \$5,000,000 | at least 50 |
| 50,001 to 99,999 | \$1,000,000 | at least 10 |
| 50,000 or less | \$500,000 | at least 5; |

169
 170 (15) "Municipality", any city, village, incorporated town, or any county of this state
 171 established on or prior to January 1, 2001, or a census-designated place in any county designated
 172 by the county for purposes of sections 99.915 to 99.1060;

173 (16) "New job", any job defined as a new job pursuant to subdivision (11) of section
 174 100.710;

175 (17) "Obligations", bonds, loans, debentures, notes, special certificates, or other
 176 evidences of indebtedness issued by the municipality or authority, or other public entity
 177 authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a
 178 development project or to refund outstanding obligations;

179 (18) "Ordinance", an ordinance enacted by the governing body of any municipality or
180 an order of the governing body of such a municipal entity whose governing body is not
181 authorized to enact ordinances;

182 (19) "Other net new revenues", the amount of state sales tax increment or state income
183 tax increment or the combination of the amount of each such increment as determined under
184 section 99.960;

185 (20) "Out-of-state business", a business entity or operation that has been located outside
186 of the state of Missouri prior to the time it relocates to a development project area;

187 (21) "Payment in lieu of taxes", those revenues from real property in each development
188 project area, which taxing districts would have received had the municipality not adopted a
189 development plan and the municipality not adopted development financing, and which would
190 result from levies made after the time of the adoption of development financing during the time
191 the current equalized value of real property in such development project area exceeds the total
192 equalized value of real property in such development project area during the baseline year until
193 development financing for such development project area expires or is terminated pursuant to
194 sections 99.915 to 99.980;

195 (22) "Special allocation fund", the fund of the municipality or its authority required to
196 be established pursuant to section 99.957 which special allocation fund shall contain at least four
197 separate segregated accounts into which payments in lieu of taxes are deposited in one account,
198 economic activity taxes are deposited in a second account, other net new revenues are deposited
199 in a third account, and other revenues, if any, received by the authority or the municipality for
200 the purpose of implementing a development plan or a development project are deposited in a
201 fourth account;

202 (23) "State income tax increment", up to fifty percent of the estimate of the income tax
203 due the state for salaries or wages paid to new employees in new jobs at a business located in the
204 development project area and created by the development project. The estimate shall be a
205 percentage of the gross payroll which percentage shall be based upon an analysis by the
206 department of revenue of the practical tax rate on gross payroll as a factor in overall taxable
207 income;

208 (24) "State sales tax increment", up to one-half of the incremental increase in the state
209 sales tax revenue in the development project area. In no event shall the incremental increase
210 include any amounts attributable to retail sales unless the Missouri development finance board
211 and the department of economic development are satisfied based on information provided by the
212 municipality or authority, and such entities have made a finding that a substantial portion of all
213 but a de minimus portion of the sales tax increment attributable to retail sales is from new
214 sources which did not exist in the state during the baseline year. The incremental increase for

215 an existing facility shall be the amount by which the state sales tax revenue generated at the
216 facility exceeds the state sales tax revenue generated at the facility in the baseline year. The
217 incremental increase in development project areas where the baseline year is the year following
218 the year in which the development project is approved by the municipality pursuant to
219 subdivision (2) of this section shall be the state sales tax revenue generated by out-of-state
220 businesses relocating into a development project area. The incremental increase for a Missouri
221 facility which relocates to a development project area shall be the amount by which the state
222 sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar
223 year prior to relocation;

224 (25) "State sales tax revenues", the general revenue portion of state sales tax revenues
225 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated,
226 taxes deposited to the school district trust fund in accordance with section 144.701, sales and use
227 taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by
228 law;

229 (26) "Taxing district's capital costs", those costs of taxing districts for capital
230 improvements that are found by the municipal governing bodies to be necessary and to directly
231 result from a development project; and

232 (27) "Taxing districts", any political subdivision of this state having the power to levy
233 taxes.

99.1082. As used in sections 99.1080 to 99.1092, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Baseline year", the calendar year prior to the adoption of an ordinance by the
4 municipality approving a redevelopment project; provided, however, if local sales tax revenues
5 or state sales tax revenues, from businesses other than any out-of-state business or businesses
6 locating in the redevelopment project area, decrease in the redevelopment project area in the year
7 following the year in which the ordinance approving a redevelopment project is approved by a
8 municipality, the baseline year may, at the option of the municipality approving the
9 redevelopment project, be the year following the year of the adoption of the ordinance approving
10 the redevelopment project. When a redevelopment project area is located within a county for
11 which public and individual assistance has been requested by the governor under Section 401
12 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et
13 seq., for an emergency proclaimed by the governor under section 44.100 due to a natural disaster
14 of major proportions and the redevelopment project area is a central business district that
15 sustained severe damage as a result of such natural disaster, as determined by the state
16 emergency management agency, the baseline year may, at the option of the municipality
17 approving the redevelopment project, be the calendar year in which the natural disaster occurred

18 or the year following the year in which the natural disaster occurred, provided that the
19 municipality adopts an ordinance approving the redevelopment project within one year after the
20 occurrence of the natural disaster;

21 (2) "Blighted area", ~~[an area which, by reason of the predominance of defective or~~
22 ~~inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,~~
23 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
24 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
25 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
26 ~~health, safety, morals, or welfare in its present condition and use]~~ **the same meaning as**
27 **provided under section 67.1401;**

28 (3) "Central business district", the area at or near the historic core that is locally known
29 as the "downtown" of a municipality that has a median household income of sixty-two thousand
30 dollars or less, according to the United States Census Bureau's American Community Survey,
31 based on the most recent of five-year period estimate data in which the final year of the estimate
32 ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will
33 have been built in excess of thirty-five years prior or vacant lots that had prior structures built
34 in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment
35 plan. The historical land use emphasis of a central business district prior to redevelopment will
36 have been a mixed use of business, commercial, financial, transportation, government, and
37 multifamily residential uses;

38 (4) "Conservation area", any improved area within the boundaries of a redevelopment
39 area located within the territorial limits of a municipality in which fifty percent or more of the
40 structures in the area have an age of thirty-five years or more, and such an area is not yet a
41 blighted area but is detrimental to the public health, safety, morals, or welfare and may become
42 a blighted area because of any one or more of the following factors: dilapidation; obsolescence;
43 deterioration; illegal use of individual structures; presence of structures below minimum code
44 standards; abandonment; excessive vacancies; overcrowding of structures and community
45 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land
46 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of
47 community planning;

48 (5) "Gambling establishment", an excursion gambling boat as defined in section 313.800
49 and any related business facility including any real property improvements which are directly and
50 solely related to such business facility, whose sole purpose is to provide goods or services to an
51 excursion gambling boat and whose majority ownership interest is held by a person licensed to
52 conduct gambling games on an excursion gambling boat or licensed to operate an excursion
53 gambling boat as provided in sections 313.800 to 313.850;

54 (6) "Local sales tax increment", at least fifty percent of the local sales tax revenue from
55 taxes that are imposed by a municipality and its county, and that are generated by economic
56 activities within a redevelopment area over the amount of such taxes generated by economic
57 activities within such a redevelopment area in the calendar year prior to the adoption of the
58 ordinance designating such a redevelopment area while financing under sections 99.1080 to
59 99.1092 remains in effect, but excluding personal property taxes, taxes imposed on sales or
60 charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special
61 assessments; provided however, the governing body of any county may, by resolution, exclude
62 any portion of any countywide sales tax of such county. For redevelopment projects or
63 redevelopment plans approved after August 28, 2005, if a retail establishment relocates within
64 one year from one facility within the same county and the governing body of the municipality
65 finds that the retail establishment is a direct beneficiary of tax increment financing, then for the
66 purposes of this subdivision, the economic activity taxes generated by the retail establishment
67 shall equal the total additional revenues from economic activity taxes that are imposed by a
68 municipality or other taxing district over the amount of economic activity taxes generated by the
69 retail establishment in the calendar year prior to its relocation to the redevelopment area;

70 (7) "Local sales tax revenue", city sales tax revenues received under sections 94.500 to
71 94.550 and county sales tax revenues received under sections 67.500 to 67.594;

72 (8) "Major initiative", a development project within a central business district which
73 promotes tourism, cultural activities, arts, entertainment, education, research, arenas,
74 multipurpose facilities, libraries, ports, mass transit, museums, economic development, or
75 conventions for the municipality, and where the capital investment within the redevelopment
76 project area is:

77 (a) At least five million dollars for a project area within a city having a population of one
78 hundred thousand to one hundred ninety-nine thousand nine hundred and ninety-nine inhabitants;

79 (b) At least one million dollars for a project area within a city having a population of
80 fifty thousand to ninety-nine thousand nine hundred and ninety-nine inhabitants;

81 (c) At least five hundred thousand dollars for a project area within a city having a
82 population of ten thousand to forty-nine thousand nine hundred and ninety-nine inhabitants; or

83 (d) At least two hundred fifty thousand dollars for a project area within a city having a
84 population of one to nine thousand nine hundred and ninety-nine inhabitants;

85 (9) "Municipality", any city or county of this state having fewer than two hundred
86 thousand inhabitants;

87 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other
88 evidences of indebtedness issued by the municipality or authority, or other public entity

89 authorized to issue such obligations under sections 99.1080 to 99.1092 to carry out a
90 redevelopment project or to refund outstanding obligations;

91 (11) "Ordinance", an ordinance enacted by the governing body of any municipality;

92 (12) "Redevelopment area", an area designated by a municipality in respect to which the
93 municipality has made a finding that there exist conditions which cause the area to be classified
94 as a blighted area or a conservation area, which area shall have the following characteristics:

95 (a) It can be renovated through one or more redevelopment projects;

96 (b) It is located in the central business district;

97 (c) The redevelopment area shall not exceed ten percent of the entire geographic area of
98 the municipality. Subject to the limitation set forth in this subdivision, the redevelopment area
99 can be enlarged or modified as provided in section 99.1088;

100 (13) "Redevelopment plan", the comprehensive program of a municipality to reduce or
101 eliminate those conditions which qualify a redevelopment area as a blighted area or a
102 conservation area, and to thereby enhance the tax bases of the taxing districts which extend into
103 the redevelopment area through the reimbursement, payment, or other financing of
104 redevelopment project costs in accordance with sections 99.1080 to 99.1092 and through
105 application for and administration of downtown revitalization preservation program financing
106 under sections 99.1080 to 99.1092;

107 (14) "Redevelopment project", any redevelopment project within a redevelopment area
108 which constitutes a major initiative in furtherance of the objectives of the redevelopment plan,
109 and any such redevelopment project shall include a legal description of the area selected for such
110 redevelopment project;

111 (15) "Redevelopment project area", the area located within a redevelopment area selected
112 for a redevelopment project;

113 (16) "Redevelopment project costs" include such costs to the redevelopment plan or a
114 redevelopment project, as applicable, which are expended on public property, buildings, or
115 rights-of-way for public purposes to provide infrastructure to support a redevelopment project,
116 including facades. Such costs shall only be allowed as an initial expense which, to be
117 recoverable, must be included in the costs of a redevelopment plan or redevelopment project,
118 except in circumstances of plan amendments approved by the department of economic
119 development. Such infrastructure costs include, but are not limited to, the following:

120 (a) Costs of studies, appraisals, surveys, plans, and specifications;

121 (b) Professional service costs, including, but not limited to, architectural, engineering,
122 legal, marketing, financial, planning, or special services;

- 123 (c) Property assembly costs, including, but not limited to, acquisition of land and other
124 property, real or personal, or rights or interests therein, demolition of buildings, and the clearing
125 and grading of land;
- 126 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public
127 buildings and fixtures;
- 128 (e) Costs of construction of public works or improvements;
- 129 (f) Financing costs, including, but not limited to, all necessary expenses related to the
130 issuance of obligations issued to finance all or any portion of the infrastructure costs of one or
131 more redevelopment projects, and which may include capitalized interest on any such obligations
132 and reasonable reserves related to any such obligations;
- 133 (g) All or a portion of a taxing district's capital costs resulting from any redevelopment
134 project necessarily incurred or to be incurred in furtherance of the objectives of the
135 redevelopment plan, to the extent the municipality by written agreement accepts and approves
136 such infrastructure costs;
- 137 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted
138 by approval of a redevelopment project when all debt is retired;
- 139 (i) State government costs, including, but not limited to, the reasonable costs incurred
140 by the department of economic development and the department of revenue in evaluating an
141 application for and administering downtown revitalization preservation financing for a
142 redevelopment project;
- 143 (17) "State sales tax increment", up to one-half of the incremental increase in the state
144 sales tax revenue in the redevelopment project area provided the local taxing jurisdictions
145 commit one-half of their local sales tax to paying for redevelopment project costs. The
146 incremental increase shall be the amount by which the state sales tax revenue generated at the
147 facility or within the redevelopment project area exceeds the state sales tax revenue generated
148 at the facility or within the redevelopment project area in the baseline year. For redevelopment
149 projects or redevelopment plans approved after August 28, 2005, if a retail establishment
150 relocates within one year from one facility to another facility within the same county and the
151 governing body of the municipality finds that the retail establishment is a direct beneficiary of
152 tax increment financing, then for the purposes of this subdivision, the economic activity taxes
153 generated by the retail establishment shall equal the total additional revenues from economic
154 activity taxes that are imposed by a municipality or other taxing district over the amount of
155 economic activity taxes generated by the retail establishment in the calendar year prior to the
156 relocation to the redevelopment area;
- 157 (18) "State sales tax revenues", the general revenue portion of state sales tax revenues
158 received under section 144.020, excluding sales taxes that are constitutionally dedicated, taxes

159 deposited to the school district trust fund in accordance with section 144.701, sales and use taxes
160 on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

161 (19) "Taxing district's capital costs", those costs of taxing districts for capital
162 improvements that are found by the municipal governing bodies to be necessary and to directly
163 result from a redevelopment project;

164 (20) "Taxing districts", any political subdivision of this state having the power to levy
165 taxes.

100.310. As used in this law, the following words and terms mean:

2 (1) "Authority", a public body corporate and politic created by or pursuant to sections
3 of this law or any other public body exercising the powers, rights and duties of such an authority;

4 (2) "Blighted area", ~~[an area which, by reason of the predominance of defective or~~
5 ~~inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements,~~
6 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
7 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
8 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
9 ~~health, safety, morals or welfare in its present condition and use]~~ **the same meaning as provided**
10 **under section 67.1401;**

11 (3) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures
12 or other obligations issued by an authority pursuant to this law;

13 (4) "City", all cities of this state now having or which hereafter have four hundred
14 thousand inhabitants or more according to the last decennial census of the United States or any
15 city that has adopted a home rule charter pursuant to Section 19 of Article VI of the Missouri
16 Constitution;

17 (5) "Clerk", the official custodian of records of the city;

18 (6) "Federal government", the United States of America or any agency or instrumentality
19 corporate or otherwise of the United States of America;

20 (7) "Governing body", the city council, common council, board of aldermen or other
21 legislative body charged with governing the municipality;

22 (8) "Industrial developer", any person, partnership or public or private corporation or
23 agency which enters or proposes to enter into an industrial development contract;

24 (9) "Industrial development", the acquisition, clearance, grading, improving, preparing
25 of land for industrial and commercial development and use and the construction, reconstruction,
26 purchase, repair of industrial and commercial improvements, buildings, plants, additions, stores,
27 shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family
28 housing facilities, warehouses, distribution centers, machines, fixtures, structures and other
29 facilities relating to industrial and commercial use in blighted, insanitary or undeveloped

30 industrial areas; and the existing merchants, residents, and present businesses shall have the first
31 option to redevelop the area under this act;

32 (10) "Industrial development contract", a contract entered into between an authority and
33 an industrial developer for the industrial development of an area in conformity with a plan;

34 (11) "Insanitary area", an area in which there is a predominance of buildings and
35 improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate
36 provision for ventilation, light, air, sanitation or open spaces, high density of population and
37 overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger
38 life or property by fire and other causes, or any combination of such factors, is conducive to ill
39 health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes
40 an economic or social liability and is detrimental to the public health, safety, morals or welfare;

41 (12) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising
42 to the authority property used in connection with industrial clearance project, or any assignee or
43 assignees of the lessor's interest or any part thereof, and the federal government when it is a party
44 to any contract with the authority;

45 (13) "Person", any individual, firm, partnership, corporation, company, association, joint
46 stock association, or body politic; and shall include any trustee, receiver, assignee or other
47 similar representative thereof;

48 (14) "Plan", a plan as it exists from time to time for the orderly carrying on of a project
49 of industrial development;

50 (15) "Project", any work or undertaking:

51 (a) To acquire blighted, insanitary and undeveloped industrial areas or portions thereof
52 including lands, structures or improvements the acquisition of which is necessary or incidental
53 to the proper industrial development of the blighted, insanitary and undeveloped industrial areas
54 or to prevent the spread or recurrence of conditions of blight, insanitary or undevelopment;

55 (b) To clear any such areas by demolition or removal of existing buildings, structures,
56 streets, utilities or other improvements thereon and to install, construct or reconstruct streets,
57 utilities and site improvements essential to the preparation of sites for uses in accordance with
58 a plan;

59 (c) To construct, reconstruct, remodel, repair, improve, install improvements, buildings,
60 plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking
61 garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures,
62 structures and other facilities related to industrial and commercial uses;

63 (d) To sell, lease or otherwise make available land in such areas for industrial and
64 commercial or related use or to retain such land for public use, in accordance with a plan;

65 (16) "Public body", the state or any municipality, county, township, board, commission,
66 authority, district or any other subdivision of the state;

67 (17) "Real property", all lands, including improvements and fixtures thereon, and
68 property of any nature appurtenant thereto, or used in connection therewith, and every estate,
69 interest and right, legal or equitable, therein, including terms for years and liens by way of
70 judgment, mortgage or otherwise and the indebtedness secured by such liens;

71 (18) "Undeveloped industrial area", any area which, by reason of defective and
72 inadequate street layout or location of physical improvements, obsolescence and inadequate
73 subdivision and platting contains vacant parcels of land not used economically; contains old,
74 decaying, obsolete buildings, plants, stores, shops, shopping centers, office buildings, hotels and
75 motels and parking garages, warehouses, distribution centers, structures; contains buildings,
76 plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages,
77 multi-family housing facilities, warehouses, distribution centers and structures whose operation
78 is not economically feasible; contains intermittent commercial and industrial structures in a
79 primarily industrial or commercial area; or contains insufficient space for the expansion and
80 efficient use of land for industrial plants and commercial uses amounting to conditions which
81 retard economic or social growth, are economic waste and social liabilities and represent an
82 inability to pay reasonable taxes to the detriment and injury of the public health, safety, morals
83 and welfare.

105.145. 1. The following definitions shall be applied to the terms used in this section:

2 (1) "Governing body", the board, body, or persons in which the powers of a political
3 subdivision as a body corporate, or otherwise, are vested;

4 (2) "Political subdivision", any agency or unit of this state, except counties and school
5 districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause
6 taxes to be levied.

7 2. The governing body of each political subdivision in the state shall cause to be
8 prepared an annual report of the financial transactions of the political subdivision in such
9 summary form as the state auditor shall prescribe by rule, except that the annual report of
10 political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less
11 shall only be required to contain the cash balance at the beginning of the reporting period, a
12 summary of cash receipts, a summary of cash disbursements and the cash balance at the end of
13 the reporting period.

14 3. Within such time following the end of the fiscal year as the state auditor shall
15 prescribe by rule, the governing body of each political subdivision shall cause a copy of the
16 annual financial report to be remitted to the state auditor.

17 4. The state auditor shall immediately on receipt of each financial report acknowledge
18 the receipt of the report.

19 5. In any fiscal year no member of the governing body of any political subdivision of the
20 state shall receive any compensation or payment of expenses after the end of the time within
21 which the financial statement of the political subdivision is required to be filed with the state
22 auditor and until such time as the notice from the state auditor of the filing of the annual financial
23 report for the fiscal year has been received.

24 6. The state auditor shall prepare sample forms for financial reports and shall mail the
25 same to the political subdivisions of the state. Failure of the auditor to supply such forms shall
26 not in any way excuse any person from the performance of any duty imposed by this section.

27 7. All reports or financial statements herein above mentioned shall be considered to be
28 public records.

29 8. The provisions of this section apply to the board of directors of every transportation
30 development district organized under sections 238.200 to 238.275.

31 9. Any political subdivision that fails to timely submit a copy of the annual financial
32 statement to the state auditor shall be subject to a fine of five hundred dollars per day.

33 10. The state auditor shall report any violation of subsection 9 of this section to the
34 department of revenue. Upon notification from the state auditor's office that a political
35 subdivision failed to timely submit a copy of the annual financial statement, the department of
36 revenue shall notify such political subdivision **and the mayor, if the political subdivision is**
37 **a municipality**, by certified mail that the statement has not been received. Such notice shall
38 clearly set forth the following:

39 (1) The name of the political subdivision;

40 (2) That the political subdivision shall be subject to a fine of five hundred dollars per day
41 if the political subdivision does not submit a copy of the annual financial statement to the state
42 auditor's office within thirty days from the postmarked date stamped on the certified mail
43 envelope;

44 (3) That the fine will be enforced and collected as provided under subsection 11 of this
45 section; and

46 (4) That the fine will begin accruing on the thirty-first day from the postmarked date
47 stamped on the certified mail envelope and will continue to accrue until the state auditor's office
48 receives a copy of the financial statement.

49

50 In the event a copy of the annual financial statement is received within such thirty-day period,
51 no fine shall accrue or be imposed. The state auditor shall report receipt of the financial
52 statement to the department of revenue within ten business days. Failure of the political

53 subdivision to submit the required annual financial statement within such thirty-day period shall
54 cause the fine to be collected as provided under subsection 11 of this section.

55 11. The department of revenue may collect the fine authorized under the provisions of
56 subsection 9 of this section by offsetting any sales or use tax distributions due to the political
57 subdivision. The director of revenue shall retain two percent for the cost of such collection. The
58 remaining revenues collected from such violations shall be distributed annually to the schools
59 of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected
60 for any breach of the penal laws of the state are distributed.

61 12. Any ~~[transportation development district organized under sections 238.200 to~~
62 ~~238.275 having]~~ **political subdivision that has** gross revenues of less than five thousand dollars
63 **or that has not levied or collected taxes** in the fiscal year for which the annual financial
64 statement was not timely filed shall not be subject to the fine authorized in this section.

65 13. **If a failure to timely submit the annual financial statement is the result of fraud**
66 **or other illegal conduct by an employee or officer of the political subdivision, the failure**
67 **shall not be subject to a fine authorized under this section if the statement is filed within**
68 **thirty days of the discovery of the fraud or illegal conduct. If a fine is assessed and paid**
69 **prior to the filing of the statement, the department of revenue shall refund the fine upon**
70 **notification from the political subdivision.**

71 14. **If a political subdivision has an outstanding balance for fines or penalties at the**
72 **time it files its first annual financial statement after January 1, 2022, the director of**
73 **revenue shall make a one-time downward adjustment to such outstanding balance in an**
74 **amount that reduces the outstanding balance by ninety percent.**

75 15. **The director of revenue shall have the authority to make a one-time downward**
76 **adjustment to any outstanding penalty imposed under this section on a political subdivision**
77 **if the director determines the fine is uncollectable. The director of revenue may prescribe**
78 **rules and regulations necessary to carry out the provisions of this subsection. Any rule or**
79 **portion of a rule, as that term is defined in section 536.010, that is created under the**
80 **authority delegated in this section shall become effective only if it complies with and is**
81 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
82 **section and chapter 536 are nonseverable, and if any of the powers vested with the general**
83 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
84 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
85 **authority and any rule proposed or adopted after August 28, 2021, shall be invalid and**
86 **void.**

87 16. **If any resident of a political subdivision believes or knows that the political**
88 **subdivision has failed to file the annual financial report required under subsection 2 of this**

89 section, the resident may file an affidavit with the director of revenue that attests to the
 90 alleged failure. The director of revenue shall evaluate the allegation and, if true, notify the
 91 political subdivision that it has thirty days to comply with subsection 2 of this section. If
 92 the political subdivision has not complied after thirty days, and if the political subdivision
 93 has an outstanding balance for fines or penalties and is not levying or collecting any taxes,
 94 and has no outstanding financial obligations, the director of revenue shall initiate the
 95 process to disincorporate the political subdivision under subsection 18 of this section.

96 17. If a political subdivision has an outstanding balance for fines or penalties and
 97 is not levying or collecting any taxes, and has no outstanding financial obligations, the
 98 director of revenue shall initiate the process to disincorporate the political subdivision
 99 under subsection 18 of this section.

100 18. (1) The question of whether a political subdivision subject to possible
 101 disincorporation under subsection 16 or 17 of this section shall be disincorporated shall be
 102 submitted to the voters of the political subdivision. The election upon the question shall
 103 be held on the next general election day.

104 (2) No later than five o'clock p.m. on the tenth Tuesday prior to the election, the
 105 director of revenue shall notify the election authorities responsible for conducting the
 106 election according to the provisions of section 115.125 and the county governing body in
 107 which the political subdivision is located.

108 (3) The election authority shall give notice of the election for eight consecutive
 109 weeks prior to the election by publication in a newspaper of general circulation published
 110 in the political subdivision or, if there is no such newspaper in the political subdivision, in
 111 the newspaper in the county published nearest the political subdivision.

112 (4) Any costs of submitting the question shall be paid by the political subdivision.

113 (5) The question shall be submitted to the voters of such political subdivision in
 114 substantially the following form:

115 The (political subdivision)(has an outstanding balance for fines or penalties
 116 and) has failed to file an annual financial statement, as required by law.

117 Shall the (political subdivision) be disincorporated?

118 YES NO

119

120 Upon the affirmative vote of a majority of the qualified voters voting on the question, the
 121 director of revenue shall file an action to disincorporate the political subdivision in the
 122 circuit court with jurisdiction over the political subdivision.

123 19. In an action to disincorporate a political subdivision, the circuit court shall
 124 order:

125 (1) The appointment of an administrative authority for the political subdivision,
 126 which may be another political subdivision, the state, a qualified private party, or other
 127 qualified entity;

128 (2) All financial and other institutions holding funds of the political subdivision, if
 129 any, as identified by the director of revenue, to honor the directives of the administrative
 130 authority;

131 (3) The director of revenue or other party charged with distributing tax revenue
 132 to distribute the revenues and funds of the political subdivision, if any, to the
 133 administrative authority; and

134 (4) The disincorporation of the political subdivision and the effective date of the
 135 disincorporation, taking into consideration a reasonable transition period.

136

137 The administrative authority shall administer all revenues under the name of the political
 138 subdivision or its agents and administer all funds collected on behalf of the political
 139 subdivision. The administrative authority shall use the revenues and existing funds to pay
 140 all debts and obligations of the political subdivision other than the penalties accrued under
 141 this section. The circuit court shall have ongoing jurisdiction to enforce its orders and
 142 carry out the remedies under this subsection.

143 20. The attorney general shall have the authority to file an action in a court of
 144 competent jurisdiction against any political subdivision that fails to comply with this
 145 section in order to compel compliance.

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

2 (1) "Average wage", the new payroll divided by the number of new jobs;

3 (2) "Blighted area", ~~[an area which, by reason of the predominance of defective or~~
 4 ~~inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,~~
 5 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
 6 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
 7 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
 8 ~~health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall~~
 9 ~~also include any area which produces or generates or has the potential to produce or generate~~
 10 ~~electrical energy from a renewable energy resource, and which, by reason of obsolescence,~~
 11 ~~decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard~~
 12 ~~conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe~~
 13 ~~conditions, improper subdivision or obsolete platting, or the existence of conditions which~~
 14 ~~endanger the life or property by fire or other means, or any combination of such factors, is~~
 15 ~~underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or~~

16 ~~lock and dam site within such area for the production, generation, conversion, and conveyance~~
17 ~~of electrical energy from a renewable energy resource]~~ **the same meaning as provided under**
18 **section 67.1401;**

19 (3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

20 (4) "Commencement of commercial operations" shall be deemed to occur during the first
21 taxable year for which the new business facility is first put into use by the taxpayer in the
22 enhanced business enterprise in which the taxpayer intends to use the new business facility;

23 (5) "County average wage", the average wages in each county as determined by the
24 department for the most recently completed full calendar year. However, if the computed county
25 average wage is above the statewide average wage, the statewide average wage shall be deemed
26 the county average wage for such county for the purpose of determining eligibility. The
27 department shall publish the county average wage for each county at least annually.
28 Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in
29 conjunction with their project is relocating employees from a Missouri county with a higher
30 county average wage, such taxpayer shall obtain the endorsement of the governing body of the
31 community from which jobs are being relocated or the county average wage for their project shall
32 be the county average wage for the county from which the employees are being relocated;

33 (6) "Department", the department of economic development;

34 (7) "Director", the director of the department of economic development;

35 (8) "Employee", a person employed by the enhanced business enterprise that is scheduled
36 to work an average of at least one thousand hours per year, and such person at all times has
37 health insurance offered to him or her, which is partially paid for by the employer;

38 (9) "Enhanced business enterprise", an industry or one of a cluster of industries that is
39 either:

40 (a) Identified by the department as critical to the state's economic security and growth;
41 or

42 (b) Will have an impact on industry cluster development, as identified by the governing
43 authority in its application for designation of an enhanced enterprise zone and approved by the
44 department; but excluding gambling establishments (NAICS industry group 7132), retail trade
45 (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations
46 (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking
47 places (NAICS subsector 722), however, notwithstanding provisions of this section to the
48 contrary, headquarters or administrative offices of an otherwise excluded business may qualify
49 for benefits if the offices serve a multistate territory. In the event a national, state, or regional
50 headquarters operation is not the predominant activity of a project facility, the new jobs and
51 investment of such headquarters operation is considered eligible for benefits under this section

52 if the other requirements are satisfied. Service industries may be eligible only if a majority of
53 its annual revenues will be derived from out of the state;

54 (10) "Existing business facility", any facility in this state which was employed by the
55 taxpayer claiming the credit in the operation of an enhanced business enterprise immediately
56 prior to an expansion, acquisition, addition, or replacement;

57 (11) "Facility", any building used as an enhanced business enterprise located within an
58 enhanced enterprise zone, including the land on which the facility is located and all machinery,
59 equipment, and other real and depreciable tangible personal property acquired for use at and
60 located at or within such facility and used in connection with the operation of such facility;

61 (12) "Facility base employment", the greater of the number of employees located at the
62 facility on the date of the notice of intent, or for the twelve-month period prior to the date of the
63 notice of intent, the average number of employees located at the facility, or in the event the
64 project facility has not been in operation for a full twelve-month period, the average number of
65 employees for the number of months the facility has been in operation prior to the date of the
66 notice of intent;

67 (13) "Facility base payroll", the total amount of taxable wages paid by the enhanced
68 business enterprise to employees of the enhanced business enterprise located at the facility in the
69 twelve months prior to the notice of intent, not including the payroll of owners of the enhanced
70 business enterprise unless the enhanced business enterprise is participating in an employee stock
71 ownership plan. For the purposes of calculating the benefits under this program, the amount of
72 base payroll shall increase each year based on the consumer price index or other comparable
73 measure, as determined by the department;

74 (14) "Governing authority", the body holding primary legislative authority over a county
75 or incorporated municipality;

76 (15) "Megaproject", any manufacturing or assembling facility, approved by the
77 department for construction and operation within an enhanced enterprise zone, which satisfies
78 the following:

79 (a) The new capital investment is projected to exceed three hundred million dollars over
80 a period of eight years from the date of approval by the department;

81 (b) The number of new jobs is projected to exceed one thousand over a period of eight
82 years beginning on the date of approval by the department;

83 (c) The average wage of new jobs to be created shall exceed the county average wage;

84 (d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty
85 percent of such insurance premiums; and

86 (e) An acceptable plan of repayment, to the state, of the tax credits provided for the
87 megaproject has been provided by the taxpayer;

88 (16) "NAICS", the 1997 edition of the North American Industry Classification System
89 as prepared by the Executive Office of the President, Office of Management and Budget. Any
90 NAICS sector, subsector, industry group or industry identified in this section shall include its
91 corresponding classification in subsequent federal industry classification systems;

92 (17) "New business facility", a facility that does not produce or generate electrical energy
93 from a renewable energy resource and satisfies the following requirements:

94 (a) Such facility is employed by the taxpayer in the operation of an enhanced business
95 enterprise. Such facility shall not be considered a new business facility in the hands of the
96 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person
97 or persons. If the taxpayer employs only a portion of such facility in the operation of an
98 enhanced business enterprise, and leases another portion of such facility to another person or
99 persons or does not otherwise use such other portions in the operation of an enhanced business
100 enterprise, the portion employed by the taxpayer in the operation of an enhanced business
101 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),
102 and (d) of this subdivision are satisfied;

103 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A
104 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
105 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding
106 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the
107 taxpayer occurs after December 31, 2004;

108 (c) If such facility was acquired by the taxpayer from another taxpayer and such facility
109 was employed immediately prior to the acquisition by another taxpayer in the operation of an
110 enhanced business enterprise, the operation of the same or a substantially similar enhanced
111 business enterprise is not continued by the taxpayer at such facility; and

112 (d) Such facility is not a replacement business facility, as defined in subdivision (27) of
113 this section;

114 (18) "New business facility employee", an employee of the taxpayer in the operation of
115 a new business facility during the taxable year for which the credit allowed by section 135.967
116 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of
117 rolling stock for hire shall not constitute new business facility employees;

118 (19) "New business facility investment", the value of real and depreciable tangible
119 personal property, acquired by the taxpayer as part of the new business facility, which is used by
120 the taxpayer in the operation of the new business facility, during the taxable year for which the
121 credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail
122 vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges,

123 tunnels, and rail yards and spurs shall not constitute new business facility investments. The total
124 value of such property during such taxable year shall be:

125 (a) Its original cost if owned by the taxpayer; or

126 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental
127 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the
128 taxpayer from subrentals. The new business facility investment shall be determined by dividing
129 by twelve the sum of the total value of such property on the last business day of each calendar
130 month of the taxable year. If the new business facility is in operation for less than an entire
131 taxable year, the new business facility investment shall be determined by dividing the sum of the
132 total value of such property on the last business day of each full calendar month during the
133 portion of such taxable year during which the new business facility was in operation by the
134 number of full calendar months during such period;

135 (20) "New job", the number of employees located at the facility that exceeds the facility
136 base employment less any decrease in the number of the employees at related facilities below the
137 related facility base employment. No job that was created prior to the date of the notice of intent
138 shall be deemed a new job;

139 (21) "Notice of intent", a form developed by the department which is completed by the
140 enhanced business enterprise and submitted to the department which states the enhanced
141 business enterprise's intent to hire new jobs and request benefits under such program;

142 (22) "Related facility", a facility operated by the enhanced business enterprise or a
143 related company in this state that is directly related to the operation of the project facility;

144 (23) "Related facility base employment", the greater of:

145 (a) The number of employees located at all related facilities on the date of the notice of
146 intent; or

147 (b) For the twelve-month period prior to the date of the notice of intent, the average
148 number of employees located at all related facilities of the enhanced business enterprise or a
149 related company located in this state;

150 (24) "Related taxpayer":

151 (a) A corporation, partnership, trust, or association controlled by the taxpayer;

152 (b) An individual, corporation, partnership, trust, or association in control of the
153 taxpayer; or

154 (c) A corporation, partnership, trust or association controlled by an individual,
155 corporation, partnership, trust or association in control of the taxpayer. "Control of a
156 corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty
157 percent of the total combined voting power of all classes of stock entitled to vote, "control of a
158 partnership or association" shall mean ownership of at least fifty percent of the capital or profits

159 interest in such partnership or association, and "control of a trust" shall mean ownership, directly
160 or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such
161 trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code
162 of 1986, as amended;

163 (25) "Renewable energy generation zone", an area which has been found, by a resolution
164 or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted
165 area and which contains land, improvements, or a lock and dam site which is unutilized or
166 underutilized for the production, generation, conversion, and conveyance of electrical energy
167 from a renewable energy resource;

168 (26) "Renewable energy resource", shall include:

169 (a) Wind;

170 (b) Solar thermal sources or photovoltaic cells and panels;

171 (c) Dedicated crops grown for energy production;

172 (d) Cellulosic agricultural residues;

173 (e) Plant residues;

174 (f) Methane from landfills, agricultural operations, or wastewater treatment;

175 (g) Thermal depolymerization or pyrolysis for converting waste material to energy;

176 (h) Clean and untreated wood such as pallets;

177 (i) Hydroelectric power, which shall include electrical energy produced or generated by
178 hydroelectric power generating equipment, as such term is defined in section 137.010;

179 (j) Fuel cells using hydrogen produced by one or more of the renewable resources
180 provided in paragraphs (a) to (i) of this subdivision; or

181 (k) Any other sources of energy, not including nuclear energy, that are certified as
182 renewable by rule by the department of economic development;

183 (27) "Replacement business facility", a facility otherwise described in subdivision (17)
184 of this section, hereafter referred to in this subdivision as "new facility", which replaces another
185 facility, hereafter referred to in this subdivision as "old facility", located within the state, which
186 the taxpayer or a related taxpayer previously operated but discontinued operating on or before
187 the close of the first taxable year for which the credit allowed by this section is claimed. A new
188 facility shall be deemed to replace an old facility if the following conditions are met:

189 (a) The old facility was operated by the taxpayer or a related taxpayer during the
190 taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which
191 commencement of commercial operations occurs at the new facility; and

192 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation
193 of an enhanced business enterprise and the taxpayer continues the operation of the same or
194 substantially similar enhanced business enterprise at the new facility. Notwithstanding the

195 preceding provisions of this subdivision, a facility shall not be considered a replacement business
196 facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this
197 section, in the new facility during the tax period for which the credits allowed in section 135.967
198 are claimed exceed one million dollars and if the total number of employees at the new facility
199 exceeds the total number of employees at the old facility by at least two;

200 (28) "Same or substantially similar enhanced business enterprise", an enhanced business
201 enterprise in which the nature of the products produced or sold, or activities conducted, are
202 similar in character and use or are produced, sold, performed, or conducted in the same or similar
203 manner as in another enhanced business enterprise.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the City of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor
5 shall annually assess all personal property at thirty-three and one-third percent of its true value
6 in money as of January first of each calendar year. The assessor shall annually assess all real
7 property, including any new construction and improvements to real property, and possessory
8 interests in real property at the percent of its true value in money set in subsection 5 of this
9 section. The true value in money of any possessory interest in real property in subclass (3),
10 where such real property is on or lies within the ultimate airport boundary as shown by a federal
11 airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139
12 certification and owned by a political subdivision, shall be the otherwise applicable true value
13 in money of any such possessory interest in real property, less the total dollar amount of costs
14 paid by a party, other than the political subdivision, towards any new construction or
15 improvements on such real property completed after January 1, 2008, and which are included in
16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred
17 or whether such costs were considered in any prior year. The assessor shall annually assess all
18 real property in the following manner: new assessed values shall be determined as of January
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed
20 values shall apply in the following even-numbered year, except for new construction and
21 property improvements which shall be valued as though they had been completed as of January
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing
23 business, or residence of each person required by this chapter to list property, and require the
24 person to make a correct statement of all taxable tangible personal property owned by the person
25 or under his or her care, charge or management, taxable in the county. On or before January first
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment
27 maintenance plan to the county governing body and the state tax commission for their respective

28 approval or modification. The county governing body shall approve and forward such plan or
29 its alternative to the plan to the state tax commission by February first. If the county governing
30 body fails to forward the plan or its alternative to the plan to the state tax commission by
31 February first, the assessor's plan shall be considered approved by the county governing body.
32 If the state tax commission fails to approve a plan and if the state tax commission and the
33 assessor and the governing body of the county involved are unable to resolve the differences, in
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor
35 shall petition the administrative hearing commission, by May first, to decide all matters in
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter
37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by
38 the parties. The final decision of the administrative hearing commission shall be subject to
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass
40 (1) real property within any county with a charter form of government, or within a city not within
41 a county, is made by a computer, computer-assisted method or a computer program, the burden
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves
44 otherwise, there shall be a presumption that the assessment was made by a computer,
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be
46 limited to, the following:

47 (1) The findings of the assessor based on an appraisal of the property by generally
48 accepted appraisal techniques; and

49 (2) The purchase prices from sales of at least three comparable properties and the address
50 or location thereof. As used in this subdivision, the word "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the disputed property,
53 except where no similar properties exist within one mile of the disputed property, the nearest
54 comparable property shall be used. Such property shall be within five hundred square feet in size
55 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
56 and other relevant characteristics.

57 2. Assessors in each county of this state and the City of St. Louis may send personal
58 property assessment forms through the mail.

59 3. The following items of personal property shall each constitute separate subclasses of
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the
61 following percentages of their true value in money:

62 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one
63 percent;

64 (2) Livestock, twelve percent;

65 (3) Farm machinery, twelve percent;

66 (4) Motor vehicles which are eligible for registration as and are registered as historic
67 motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old
68 and which are used solely for noncommercial purposes and are operated less than ~~fifty~~ **two**
69 **hundred** hours per year or aircraft that are home built from a kit, five percent;

70 (5) Poultry, twelve percent; and

71 (6) Tools and equipment used for pollution control and tools and equipment used in
72 retooling for the purpose of introducing new product lines or used for making improvements to
73 existing products by any company which is located in a state enterprise zone and which is
74 identified by any standard industrial classification number cited in subdivision (7) of section
75 135.200, twenty-five percent.

76 4. The person listing the property shall enter a true and correct statement of the property,
77 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed
78 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
79 to the assessor.

80 5. (1) All subclasses of real property, as such subclasses are established in Section 4(b)
81 of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
82 following percentages of true value:

83 (a) For real property in subclass (1), nineteen percent;

84 (b) For real property in subclass (2), twelve percent; and

85 (c) For real property in subclass (3), thirty-two percent.

86 (2) A taxpayer may apply to the county assessor, or, if not located within a county, then
87 the assessor of such city, for the reclassification of such taxpayer's real property if the use or
88 purpose of such real property is changed after such property is assessed under the provisions of
89 this chapter. If the assessor determines that such property shall be reclassified, he or she shall
90 determine the assessment under this subsection based on the percentage of the tax year that such
91 property was classified in each subclassification.

92 6. Manufactured homes, as defined in section 700.010, which are actually used as
93 dwelling units shall be assessed at the same percentage of true value as residential real property
94 for the purpose of taxation. The percentage of assessment of true value for such manufactured
95 homes shall be the same as for residential real property. If the county collector cannot identify
96 or find the manufactured home when attempting to attach the manufactured home for payment
97 of taxes owed by the manufactured home owner, the county collector may request the county
98 commission to have the manufactured home removed from the tax books, and such request shall
99 be granted within thirty days after the request is made; however, the removal from the tax books

100 does not remove the tax lien on the manufactured home if it is later identified or found. For
101 purposes of this section, a manufactured home located in a manufactured home rental park, rental
102 community or on real estate not owned by the manufactured home owner shall be considered
103 personal property. For purposes of this section, a manufactured home located on real estate
104 owned by the manufactured home owner may be considered real property.

105 7. Each manufactured home assessed shall be considered a parcel for the purpose of
106 reimbursement pursuant to section 137.750, unless the manufactured home is **deemed to be** real
107 estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the
108 existing real estate parcel.

109 8. Any amount of tax due and owing based on the assessment of a manufactured home
110 shall be included on the personal property tax statement of the manufactured home owner unless
111 the manufactured home is **deemed to be** real estate ~~[as defined in]~~ **under** subsection 7 of section
112 442.015, in which case the amount of tax due and owing on the assessment of the manufactured
113 home as a realty improvement to the existing real estate parcel shall be included on the real
114 property tax statement of the real estate owner.

115 9. The assessor of each county and each city not within a county shall use the trade-in
116 value published in the October issue of the National Automobile Dealers' Association Official
117 Used Car Guide, or its successor publication, as the recommended guide of information for
118 determining the true value of motor vehicles described in such publication. The assessor shall
119 not use a value that is greater than the average trade-in value in determining the true value of the
120 motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two
121 years old or newer from a vehicle's model year, the assessor may use a value other than average
122 without performing a physical inspection of the motor vehicle. In the absence of a listing for a
123 particular motor vehicle in such publication, the assessor shall use such information or
124 publications which in the assessor's judgment will fairly estimate the true value in money of the
125 motor vehicle.

126 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)
127 real property by more than fifteen percent since the last assessment, excluding increases due to
128 new construction or improvements, the assessor shall conduct a physical inspection of such
129 property.

130 11. If a physical inspection is required, pursuant to subsection 10 of this section, the
131 assessor shall notify the property owner of that fact in writing and shall provide the owner clear
132 written notice of the owner's rights relating to the physical inspection. If a physical inspection
133 is required, the property owner may request that an interior inspection be performed during the
134 physical inspection. The owner shall have no less than thirty days to notify the assessor of a
135 request for an interior physical inspection.

136 12. A physical inspection, as required by subsection 10 of this section, shall include, but
137 not be limited to, an on-site personal observation and review of all exterior portions of the land
138 and any buildings and improvements to which the inspector has or may reasonably and lawfully
139 gain external access, and shall include an observation and review of the interior of any buildings
140 or improvements on the property upon the timely request of the owner pursuant to subsection 11
141 of this section. Mere observation of the property via a drive-by inspection or the like shall not
142 be considered sufficient to constitute a physical inspection as required by this section.

143 13. A county or city collector may accept credit cards as proper form of payment of
144 outstanding property tax or license due. No county or city collector may charge surcharge for
145 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,
146 processor, or issuer for its service. A county or city collector may accept payment by electronic
147 transfers of funds in payment of any tax or license and charge the person making such payment
148 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic
149 payment.

150 14. Any county or city not within a county in this state may, by an affirmative vote of
151 the governing body of such county, opt out of the provisions of this section and sections 137.073,
152 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,
153 second regular session and section 137.073 as modified by house committee substitute for senate
154 substitute for senate committee substitute for senate bill no. 960, ninety-second general
155 assembly, second regular session, for the next year of the general reassessment, prior to January
156 first of any year. No county or city not within a county shall exercise this opt-out provision after
157 implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as
158 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and
159 section 137.073 as modified by house committee substitute for senate substitute for senate
160 committee substitute for senate bill no. 960, ninety-second general assembly, second regular
161 session, in a year of general reassessment. For the purposes of applying the provisions of this
162 subsection, a political subdivision contained within two or more counties where at least one of
163 such counties has opted out and at least one of such counties has not opted out shall calculate a
164 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general
165 assembly, second regular session. A governing body of a city not within a county or a county
166 that has opted out under the provisions of this subsection may choose to implement the
167 provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill
168 no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as
169 modified by house committee substitute for senate substitute for senate committee substitute for
170 senate bill no. 960, ninety-second general assembly, second regular session, for the next year of

171 general reassessment, by an affirmative vote of the governing body prior to December thirty-first
 172 of any year.

173 15. The governing body of any city of the third classification with more than twenty-six
 174 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located
 175 in any county that has exercised its authority to opt out under subsection 14 of this section may
 176 levy separate and differing tax rates for real and personal property only if such city bills and
 177 collects its own property taxes or satisfies the entire cost of the billing and collection of such
 178 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax
 179 rate ceiling.

180 16. Any portion of real property that is available as reserve for strip, surface, or coal
 181 mining for minerals for purposes of excavation for future use or sale to others that has not been
 182 bonded and permitted under chapter 444 shall be assessed based upon how the real property is
 183 currently being used. Any information provided to a county assessor, state tax commission, state
 184 agency, or political subdivision responsible for the administration of tax policies shall, in the
 185 performance of its duties, make available all books, records, and information requested, except
 186 such books, records, and information as are by law declared confidential in nature, including
 187 individually identifiable information regarding a specific taxpayer or taxpayer's mine property.
 188 For purposes of this subsection, "mine property" shall mean all real property that is in use or
 189 readily available as a reserve for strip, surface, or coal mining for minerals for purposes of
 190 excavation for current or future use or sale to others that has been bonded and permitted under
 191 chapter 444.

143.011. 1. **For tax years ending before January 1, 2022**, a tax is hereby imposed for
 2 every ~~taxable~~ **tax** year on the Missouri taxable income of every resident. The tax shall be
 3 determined by applying the tax table or the rate provided in section 143.021, which is based upon
 4 the following rates:

| If the Missouri taxable income is: | The tax is: |
|------------------------------------|--|
| Not over \$1,000.00 | 1 1/2% of the Missouri taxable income |
| Over \$1,000 but not over \$2,000 | \$15 plus 2% of excess over \$1,000 |
| Over \$2,000 but not over \$3,000 | \$35 plus 2 1/2% of excess over \$2,000 |
| Over \$3,000 but not over \$4,000 | \$60 plus 3% of excess over \$3,000 |
| Over \$4,000 but not over \$5,000 | \$90 plus 3 1/2% of excess over \$4,000 |
| Over \$5,000 but not over \$6,000 | \$125 plus 4% of excess over \$5,000 |
| Over \$6,000 but not over \$7,000 | \$165 plus 4 1/2% of excess over \$6,000 |

| | | |
|----|-----------------------------------|--|
| 13 | Over \$7,000 but not over \$8,000 | \$210 plus 5% of excess over \$7,000 |
| 14 | Over \$8,000 but not over \$9,000 | \$260 plus 5 1/2% of excess over \$8,000 |
| 15 | Over \$9,000 | \$315 plus 6% of excess over \$9,000 |

16

17 2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of
 18 this section **and the rate of tax under subsection 5 of this section** may be reduced over a
 19 period of years. Each reduction in the ~~[top]~~ rate of tax shall be by one-tenth of a percent and no
 20 more than one reduction shall occur in a calendar year. No more than five reductions shall be
 21 made under this subsection. Reductions in the rate of tax shall take effect on January first of a
 22 calendar year and such reduced rates shall continue in effect until the next reduction occurs.

23 (2) A reduction in the rate of tax shall only occur if the amount of net general revenue
 24 collected in the previous fiscal year exceeds the highest amount of net general revenue collected
 25 in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million
 26 dollars.

27 (3) Any modification of tax rates under this subsection shall only apply to tax years that
 28 begin on or after a modification takes effect.

29 (4) **For tax years ending before January 1, 2022**, the director of the department of
 30 revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the
 31 provisions of this subsection. The bracket for income subject to the top rate of tax shall be
 32 eliminated once the top rate of tax has been reduced to five and one-half percent, and the top
 33 remaining rate of tax shall apply to all income in excess of the income in the second highest
 34 remaining income bracket.

35 3. (1) In addition to the rate reductions under subsection 2 of this section, beginning
 36 with the 2019 calendar year, **and ending immediately after the 2021 calendar year**, the top
 37 rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such
 38 reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

39 (2) The modification of tax rates under this subsection shall only apply to tax years that
 40 begin on or after the date the modification takes effect.

41 (3) The director of the department of revenue shall, by rule, adjust the tax tables under
 42 subsection 1 of this section to effectuate the provisions of this subsection.

43 4. Beginning with the 2017 calendar year, **and ending immediately after the 2021**
 44 **calendar year**, the brackets of Missouri taxable income identified in subsection 1 of this section
 45 shall be adjusted annually by the percent increase in inflation. The director shall publish such
 46 brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take

47 effect on January first of each calendar year and shall apply to tax years beginning on or after the
48 effective date of the new brackets.

49 **5. (1) Beginning with the 2022 calendar year, a tax is hereby imposed for every tax**
50 **year on the Missouri taxable income of every resident at a rate of five and three-tenths**
51 **percent, subject to the provisions of section 143.021 and subsection 2 of this section.**

52 **(2) Any modification of the tax rate under this subsection shall apply only to tax**
53 **years that begin on or after a modification takes effect.**

54 **6.** As used in this section, the following terms mean:

55 (1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as
56 reported by the Bureau of Labor Statistics, or its successor index;

57 (2) "CPI for the preceding calendar year", the average of the CPI as of the close of the
58 twelve month period ending on August thirty-first of such calendar year;

59 (3) "Net general revenue collected", all revenue deposited into the general revenue fund,
60 less refunds and revenues originally deposited into the general revenue fund but designated by
61 law for a specific distribution or transfer to another state fund;

62 (4) "Percent increase in inflation", the percentage, if any, by which the CPI for the
63 preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending
64 August 31, 2015.

143.031. 1. A husband and wife who file a joint federal income tax return shall file a
2 combined return. A husband and wife who do not file a joint federal income tax return shall not
3 file a combined return.

4 2. The Missouri combined taxable income on a combined return shall include all of the
5 income and deductions of the husband and wife. **For all tax years ending before January 1,**
6 **2022,** the Missouri taxable income of each spouse shall be an amount that is the same proportion
7 of their Missouri combined taxable income as the Missouri adjusted gross income of that spouse
8 bears to their Missouri combined adjusted gross income.

9 3. The tax of each spouse shall be determined by the application of either section
10 143.021 or section 143.041 depending upon whether such spouse is a resident or nonresident.
11 Their Missouri combined tax shall be the sum of the tax applicable to each spouse.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the
2 taxpayer's federal adjusted gross income subject to the modifications in this section.

3 2. There shall be added to the taxpayer's federal adjusted gross income:

4 (1) The amount of any federal income tax refund received for a prior year which resulted
5 in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not
6 include any amount of a federal income tax refund attributable to a tax credit reducing a
7 taxpayer's federal tax liability pursuant to Public Law 116-136 **or 116-260**, enacted by the 116th

8 United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or
9 before December 31, 2020, **and the amount of any tax credits reducing a taxpayer's federal**
10 **tax liability under any other federal law that provides direct economic impact payments**
11 **to taxpayers related to the COVID-19 pandemic**, and deducted from Missouri adjusted gross
12 income pursuant to section 143.171;

13 (2) Interest on certain governmental obligations excluded from federal gross income by
14 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall
15 not apply to interest on obligations of the state of Missouri or any of its political subdivisions or
16 authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this
17 section. The amount added pursuant to this subdivision shall be reduced by the amounts
18 applicable to such interest that would have been deductible in computing the taxable income of
19 the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue
20 Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

21 (3) The amount of any deduction that is included in the computation of federal taxable
22 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job
23 Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to
24 property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount
25 deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168
26 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

27 (4) The amount of any deduction that is included in the computation of federal taxable
28 income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code
29 of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and
30 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating
31 loss the taxpayer claims in the tax year in which the net operating loss occurred or carries
32 forward for a period of more than twenty years and carries backward for more than two years.
33 Any amount of net operating loss taken against federal taxable income but disallowed for
34 Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried
35 forward and taken against any income on the Missouri income tax return for a period of not more
36 than twenty years from the year of the initial loss; and

37 (5) For nonresident individuals in all taxable years ending on or after December 31,
38 2006, the amount of any property taxes paid to another state or a political subdivision of another
39 state for which a deduction was allowed on such nonresident's federal return in the taxable year
40 unless such state, political subdivision of a state, or the District of Columbia allows a subtraction
41 from income for property taxes paid to this state for purposes of calculating income for the
42 income tax for such state, political subdivision of a state, or the District of Columbia;

43 (6) For all tax years beginning on or after January 1, 2018, any interest expense paid or
44 accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as
45 amended, in the current taxable year by reason of the carryforward of disallowed business
46 interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this
47 subdivision, an interest expense is considered paid or accrued only in the first taxable year the
48 deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation
49 under 26 U.S.C. Section 163(j), as amended, did not exist.

50 3. There shall be subtracted from the taxpayer's federal adjusted gross income the
51 following amounts to the extent included in federal adjusted gross income:

52 (1) Interest received on deposits held at a federal reserve bank or interest or dividends
53 on obligations of the United States and its territories and possessions or of any authority,
54 commission or instrumentality of the United States to the extent exempt from Missouri income
55 taxes pursuant to the laws of the United States. The amount subtracted pursuant to this
56 subdivision shall be reduced by any interest on indebtedness incurred to carry the described
57 obligations or securities and by any expenses incurred in the production of interest or dividend
58 income described in this subdivision. The reduction in the previous sentence shall only apply
59 to the extent that such expenses including amortizable bond premiums are deducted in
60 determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri
61 itemized deduction. The reduction shall only be made if the expenses total at least five hundred
62 dollars;

63 (2) The portion of any gain, from the sale or other disposition of property having a higher
64 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
65 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is
66 considered a long-term capital gain for federal income tax purposes, the modification shall be
67 limited to one-half of such portion of the gain;

68 (3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity
69 or other amount of income or gain which was properly included in income or gain and was taxed
70 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or
71 to a decedent by reason of whose death the taxpayer acquired the right to receive the income or
72 gain, or to a trust or estate from which the taxpayer received the income or gain;

73 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
74 extent that the same are included in federal adjusted gross income;

75 (5) The amount of any state income tax refund for a prior year which was included in the
76 federal adjusted gross income;

77 (6) The portion of capital gain specified in section 135.357 that would otherwise be
78 included in federal adjusted gross income;

79 (7) The amount that would have been deducted in the computation of federal taxable
80 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January
81 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but
82 before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant
83 to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and
84 Worker Assistance Act of 2002;

85 (8) For all tax years beginning on or after January 1, 2005, the amount of any income
86 received for military service while the taxpayer serves in a combat zone which is included in
87 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,
88 "combat zone" means any area which the President of the United States by Executive Order
89 designates as an area in which Armed Forces of the United States are or have engaged in combat.
90 Service is performed in a combat zone only if performed on or after the date designated by the
91 President by Executive Order as the date of the commencing of combat activities in such zone,
92 and on or before the date designated by the President by Executive Order as the date of the
93 termination of combatant activities in such zone;

94 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property
95 that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an
96 additional modification was made under subdivision (3) of subsection 2 of this section, the
97 amount by which additional modification made under subdivision (3) of subsection 2 of this
98 section on qualified property has not been recovered through the additional subtractions provided
99 in subdivision (7) of this subsection;

100 (10) For all tax years beginning on or after January 1, 2014, the amount of any income
101 received as payment from any program which provides compensation to agricultural producers
102 who have suffered a loss as the result of a disaster or emergency, including the:

- 103 (a) Livestock Forage Disaster Program;
- 104 (b) Livestock Indemnity Program;
- 105 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- 106 (d) Emergency Conservation Program;
- 107 (e) Noninsured Crop Disaster Assistance Program;
- 108 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 109 (g) Annual Forage Pilot Program;
- 110 (h) Livestock Risk Protection Insurance Plan; and
- 111 (i) Livestock Gross Margin Insurance Plan; and

112 (11) For all tax years beginning on or after January 1, 2018, any interest expense paid
113 or accrued in the current taxable year, but not deducted as a result of the limitation imposed
114 under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest

115 expense is considered paid or accrued only in the first taxable year the deduction would have
116 been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C.
117 Section 163(j), as amended, did not exist.

118 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross
119 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

120 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross
121 income the modifications provided in section 143.411.

122 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
123 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's
124 federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the
125 Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion
126 of property as a result of condemnation or the imminence thereof.

127 7. (1) As used in this subsection, "qualified health insurance premium" means the
128 amount paid during the tax year by such taxpayer for any insurance policy primarily providing
129 health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

130 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent
131 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's
132 federal adjusted gross income to the extent the amount paid for such premiums is included in
133 federal taxable income. The taxpayer shall provide the department of revenue with proof of the
134 amount of qualified health insurance premiums paid.

135 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section,
136 one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an
137 entity certified by the department of natural resources under section 640.153 or the
138 implementation of any energy efficiency recommendations made in such an audit shall be
139 subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for
140 any such activity is included in federal taxable income. The taxpayer shall provide the
141 department of revenue with a summary of any recommendations made in a qualified home
142 energy audit, the name and certification number of the qualified home energy auditor who
143 conducted the audit, and proof of the amount paid for any activities under this subsection for
144 which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any
145 recommendations made in a qualified home energy audit to the department of natural resources.

146 (2) At no time shall a deduction claimed under this subsection by an individual taxpayer
147 or taxpayers filing combined returns exceed one thousand dollars per year for individual
148 taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined
149 returns.

150 (3) Any deduction claimed under this subsection shall be claimed for the tax year in
 151 which the qualified home energy audit was conducted or in which the implementation of the
 152 energy efficiency recommendations occurred. If implementation of the energy efficiency
 153 recommendations occurred during more than one year, the deduction may be claimed in more
 154 than one year, subject to the limitations provided under subdivision (2) of this subsection.

155 (4) A deduction shall not be claimed for any otherwise eligible activity under this
 156 subsection if such activity qualified for and received any rebate or other incentive through a
 157 state-sponsored energy program or through an electric corporation, gas corporation, electric
 158 cooperative, or municipally owned utility.

159 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.131. 1. The Missouri standard deduction may be deducted in determining Missouri
 2 taxable income of a resident individual unless the taxpayer or his spouse has elected to itemize
 3 his deduction as provided in section 143.141.

4 2. The Missouri standard deduction shall be the allowable federal standard deduction,
 5 **plus four thousand dollars if filing single or married and filing separately, or plus eight**
 6 **thousand dollars if married and filing jointly.**

143.171. 1. For all tax years beginning on or after January 1, 1994, and ending on or
 2 before December 31, 2018, an individual taxpayer shall be allowed a deduction for his or her
 3 federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable
 4 year for which the Missouri return is being filed, not to exceed five thousand dollars on a single
 5 taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits
 6 thereon, except the credit for payments of federal estimated tax, the credit for the overpayment
 7 of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section
 8 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

9 2. (1) Notwithstanding any other provision of law to the contrary, for all tax years
 10 beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal
 11 to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue
 12 Code for the same taxable year for which the Missouri return is being filed, not to exceed five
 13 thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after
 14 reduction for all credits thereon, except the credit for payments of federal estimated tax, the
 15 credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue
 16 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction
 17 percentage is determined according to the following table:

| | |
|---|------------------------------|
| 18 If the Missouri gross income on the return 19 is: | The deduction percentage is: |
|---|------------------------------|

| | | |
|----|-----------------------------|------------|
| 20 | \$25,000 or less | 35 percent |
| 21 | From \$25,001 to \$50,000 | 25 percent |
| 22 | From \$50,001 to \$100,000 | 15 percent |
| 23 | From \$100,001 to \$125,000 | 5 percent |
| 24 | \$125,001 or more | 0 percent |

25

26 (2) Notwithstanding any provision of law to the contrary, the amount of any tax credits
 27 reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 **or 116-260**, enacted
 28 by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and
 29 ending on or before December 31, 2020, **and the amount of any tax credits reducing a**
 30 **taxpayer's federal tax liability under any other federal law that provides direct economic**
 31 **impact payments to taxpayers related to the COVID-19 pandemic** shall not be considered
 32 in determining a taxpayer's federal tax liability for the purposes of subdivision (1) of this
 33 subsection.

34 3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall
 35 be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the
 36 Internal Revenue Code for the same taxable year for which the Missouri return is being filed
 37 after reduction for all credits thereon, except the credit for payments of federal estimated tax, the
 38 credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue
 39 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

40 4. If a federal income tax liability for a tax year prior to the applicability of sections
 41 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid
 42 or accrued, he may deduct the federal tax in the later year to the extent it would have been
 43 deductible if paid or accrued in the prior year.

144.605. The following words and phrases as used in sections 144.600 to 144.745 mean
 2 and include:

3 (1) "Calendar quarter", the period of three consecutive calendar months ending on March
 4 thirty-first, June thirtieth, September thirtieth or December thirty-first;

5 (2) "Engages in business activities within this state" includes:

6 (a) Maintaining or having a franchisee or licensee operating under the seller's trade name
 7 in this state if the franchisee or licensee is required to collect sales tax pursuant to sections
 8 144.010 to 144.525;

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

10 (c) A vendor is presumed to engage in business activities within this state if any person,
11 other than a common carrier acting in its capacity as such, that has substantial nexus with this
12 state:

13 a. Sells a similar line of products as the vendor and does so under the same or a similar
14 business name;

15 b. Maintains an office, distribution facility, warehouse, or storage place, or similar place
16 of business in the state to facilitate the delivery of property or services sold by the vendor to the
17 vendor's customers;

18 c. Delivers, installs, assembles, or performs maintenance services for the vendor's
19 customers within the state;

20 d. Facilitates the vendor's delivery of property to customers in the state by allowing the
21 vendor's customers to pick up property sold by the vendor at an office, distribution facility,
22 warehouse, storage place, or similar place of business maintained by the person in the state; or

23 e. Conducts any other activities in the state that are significantly associated with the
24 vendor's ability to establish and maintain a market in the state for the sales;

25 (d) The presumption in paragraph (c) **of this subdivision** may be rebutted by
26 demonstrating that the person's activities in the state are not significantly associated with the
27 vendor's ability to establish or maintain a market in this state for the vendor's sales;

28 (e) Notwithstanding paragraph (c) **of this subdivision**, a vendor shall be presumed to
29 engage in business activities within this state if the vendor enters into an agreement with one or
30 more residents of this state under which the resident, for a commission or other consideration,
31 directly or indirectly refers potential customers, whether by a link on an internet website, an in-
32 person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross
33 receipts from sales by the vendor to customers in the state who are referred to the vendor by all
34 residents with this type of an agreement with the vendor is in excess of ten thousand dollars
35 during the preceding twelve months;

36 (f) The presumption in paragraph (e) **of this subdivision** may be rebutted by submitting
37 proof that the residents with whom the vendor has an agreement did not engage in any activity
38 within the state that was significantly associated with the vendor's ability to establish or maintain
39 the vendor's market in the state during the preceding twelve months. Such proof may consist of
40 sworn written statements from all of the residents with whom the vendor has an agreement
41 stating that they did not engage in any solicitation in the state on behalf of the vendor during the
42 preceding year provided that such statements were provided and obtained in good faith; **and**

43 (g) **a. Beginning January 1, 2022, a vendor also engages in business activities**
44 **within this state if the cumulative gross receipts from the vendor's sales of tangible**
45 **personal property to purchasers for the purpose of storage, use, or consumption in this**

46 state equal one hundred thousand dollars or more during any twelve-month period, as
47 determined under subparagraph b. of this paragraph;

48 **b. Following the close of each calendar quarter, a vendor shall determine whether**
49 **the vendor met the requirements provided under subparagraph a. of this paragraph**
50 **during the twelve-month period ending on the last day of the preceding calendar quarter.**
51 **If the vendor met such requirements for any such twelve-month period, such vendor shall**
52 **collect and remit applicable use tax in future transactions, in lieu of any obligations to**
53 **collect or remit such use tax that would otherwise be attributed to any other party to a**
54 **transaction, as provided under section 144.635, for a period of no less than twelve months,**
55 **beginning no more than three months following the close of the preceding calendar**
56 **quarter, and such vendor shall continue to collect and remit the use tax for as long as the**
57 **vendor is engaged in business activities in this state, as provided under this paragraph, or**
58 **otherwise maintains a substantial nexus with this state;**

59 **c. The provisions of this paragraph shall apply only to vendors that do not have a**
60 **physical presence within the state and if the associated sales of tangible personal property**
61 **occurred with use of the internet;**

62 **d. Any department that has the constitutional authority to collect sales or use tax**
63 **under Article IV of the Constitution of Missouri may remit any moneys collected under this**
64 **paragraph to the department of revenue, and such moneys shall be deposited into the state**
65 **general revenue fund established under section 33.543;**

66 **e. Any vendor that meets the provisions of subparagraph c. of this paragraph shall**
67 **not be subject to local use tax imposed by a political subdivision in this state enacted prior**
68 **to January 1, 2022, except in such political subdivisions in which a majority of voters have**
69 **approved expanding a use tax that was enacted prior to January 1, 2022; and**

70 **f. Notwithstanding the provisions of this paragraph, political subdivisions that wish**
71 **to enact a new local use tax but do not wish to subject vendors that meet the provisions of**
72 **subparagraph c. of this paragraph to such local use tax may enact such local use tax**
73 **according to the applicable provisions of sections 144.757 to 144.761, or any other**
74 **applicable local use tax authorization provisions, and may exclude such vendors from such**
75 **new tax;**

76 **(3) "Maintains a place of business in this state" includes maintaining, occupying, or**
77 **using, permanently or temporarily, directly or indirectly, by whatever name called, an office,**
78 **place of distribution, sales or sample room or place, warehouse or storage place, or other place**
79 **of business in this state, whether owned or operated by the vendor or by any other person other**
80 **than a common carrier acting in its capacity as such;**

81 (4) "Person", any individual, firm, copartnership, joint venture, association, corporation,
82 municipal or private, and whether organized for profit or not, state, county, political subdivision,
83 state department, commission, board, bureau or agency, except the state transportation
84 department, estate, trust, business trust, receiver or trustee appointed by the state or federal court,
85 syndicate, or any other group or combination acting as a unit, and the plural as well as the
86 singular number;

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

89 (6) "Purchaser", any person who is the recipient for a valuable consideration of any sale
90 of tangible personal property acquired for use, storage or consumption in this state;

91 (7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal
92 property, or the right to use, store or consume the same, for a consideration paid or to be paid,
93 and any transaction whether called leases, rentals, bailments, loans, conditional sales or
94 otherwise, and notwithstanding that the title or possession of the property or both is retained for
95 security. For the purpose of this law the place of delivery of the property to the purchaser, user,
96 storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or
97 by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers,
98 representatives, consignors, peddlers, canvassers or otherwise;

99 (8) "Sales price", the consideration including the charges for services, except charges
100 incident to the extension of credit, paid or given, or contracted to be paid or given, by the
101 purchaser to the vendor for the tangible personal property, including any services that are a part
102 of the sale, valued in money, whether paid in money or otherwise, and any amount for which
103 credit is given to the purchaser by the vendor, without any deduction therefrom on account of the
104 cost of the property sold, the cost of materials used, labor or service cost, losses or any other
105 expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included
106 and "sales price" shall not include the amount charged for property returned by customers upon
107 rescission of the contract of sales when the entire amount charged therefor is refunded either in
108 cash or credit or the amount charged for labor or services rendered in installing or applying the
109 property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600
110 to 144.745. The sales price shall not include usual and customary delivery charges that are
111 separately stated. In determining the amount of tax due pursuant to sections 144.600 to 144.745,
112 any charge incident to the extension of credit shall be specifically exempted;

113 (9) "Selling agent", every person acting as a representative of a principal, when such
114 principal is not registered with the director of revenue of the state of Missouri for the collection
115 of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and

116 who receives compensation by reason of the sale of tangible personal property of the principal,
117 if such property is to be stored, used, or consumed in this state;

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

121 (11) "Tangible personal property", all items subject to the Missouri sales tax as provided
122 in subdivisions (1) and (3) of subsection 1 of section 144.020;

123 (12) "Taxpayer", any person remitting the tax or who should remit the tax levied by
124 sections 144.600 to 144.745;

125 (13) "Use", the exercise of any right or power over tangible personal property incident
126 to the ownership or control of that property, except that it does not include the temporary storage
127 of property in this state for subsequent use outside the state, or the sale of the property in the
128 regular course of business;

129 (14) "Vendor", every person engaged in making sales of tangible personal property by
130 mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking
131 orders for sales of tangible personal property, for storage, use or consumption in this state, all
132 salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of
133 the dealers, distributors, consignors, supervisors, principals or employers under whom they
134 operate or from whom they obtain the tangible personal property sold by them, and every person
135 who maintains a place of business in this state, maintains a stock of goods in this state, or
136 engages in business activities within this state and every person who engages in this state in the
137 business of acting as a selling agent for persons not otherwise vendors as defined in this
138 subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of
139 the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded
140 as vendors and the dealers, distributors, consignors, supervisors, principals or employers must
141 be regarded as vendors for the purposes of sections 144.600 to 144.745.

**144.637. 1. The director of revenue shall provide and maintain a database that
2 describes boundary changes for all taxing jurisdictions and the effective dates of such
3 changes for the use of vendors collecting the tax imposed under sections 144.600 to 144.746.**

**4 2. For the identification of counties and cities, codes corresponding to the rates shall
5 be provided according to Federal Information Processing Standards (FIPS) as developed
6 by the National Institute of Standards and Technology. For the identification of all other
7 jurisdictions, codes corresponding to the rates shall be in a format determined by the
8 director.**

**9 3. The director shall provide and maintain address-based boundary database
10 records for assigning taxing jurisdictions and associated rates. The database records shall**

11 meet the requirements developed under the federal Mobile Telecommunications Sourcing
12 Act, 4 U.S.C. Section 119(a). If a vendor is unable to determine the applicable rate and
13 jurisdiction using an address-based database record after exercising due diligence, the
14 vendor may apply the nine-digit zip code designation applicable to a purchase. If a
15 nine-digit zip code designation is not available for a street address or if a vendor is unable
16 to determine the nine-digit zip code designation applicable to a purchase after exercising
17 due diligence to determine the designation, the vendor may apply the rate for the five-digit
18 zip code area. The lowest combined tax rate imposed in the zip code area shall apply if the
19 area includes more than one tax rate in any level of taxing jurisdiction. For the purposes
20 of this section, there shall be a rebuttable presumption that a vendor has exercised due
21 diligence if the vendor has attempted to determine the tax rate and jurisdiction by utilizing
22 software approved by the director and makes the assignment from the address and zip
23 code information applicable to the purchase. The database records shall be in the same
24 approved format as the database under this section and shall meet the requirements
25 developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section
26 119(a). If the director certifies an address-based database provided by a third party, a
27 vendor may use such database in place of the database records provided for in this
28 subsection.

29 4. The electronic databases provided for in subsections 1 and 3 of this section shall
30 be in downloadable format as determined by the director. The databases may be directly
31 provided by the director or provided by a third party as designated by the director. The
32 databases shall be provided at no cost to the users of the databases.

33 5. The provisions of subsection 3 of this section shall not apply if the purchased
34 product is received by the purchaser at the business location of the vendor.

35 6. No vendor shall be liable for reliance upon erroneous data provided by the
36 director on tax rates, boundaries, or taxing jurisdiction assignments.

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

2 (1) "Marketplace facilitator", a person who:

3 (a) Facilitates a retail sale by a marketplace seller by listing or advertising for sale
4 by the marketplace seller in any forum tangible personal property or services that are
5 subject to tax under this chapter; and

6 (b) Either directly or indirectly through agreements or arrangements with third
7 parties collects payment from the purchaser and transmits such payment to the
8 marketplace seller, regardless of whether the marketplace facilitator receives compensation
9 or other consideration in exchange for its services.

10

11 A "marketplace facilitator" is a seller and shall comply with the provisions of this chapter.
12 A "marketplace facilitator" shall not include a person who provides internet advertising
13 services or product listing and does not collect payment from the purchaser and transmit
14 payment to the marketplace seller; is a third-party financial institution appointed by a
15 marketplace seller or a marketplace facilitator to handle various forms of payment
16 transactions, such as processing credit cards and debit cards, and whose sole activity with
17 respect to marketplace sales is to facilitate the payment transactions between two parties;
18 or is a provider of travel agency services and whose sole activity with respect to
19 marketplace sales is to provide such services. For the purposes of this subdivision, "travel
20 agency services" means facilitating, for a commission, fee, or other consideration, vacation
21 or travel packages; rental car or other travel reservations; tickets for domestic or foreign
22 travel by air, rail, ship, bus, or other medium of transportation; or hotel or other lodging
23 accommodations;

24 (2) "Marketplace seller", a seller that makes sales through any electronic
25 marketplace operated by a marketplace facilitator;

26 (3) "Person", any individual, firm, copartnership, joint venture, association, or
27 corporation, municipal or private, whether organized for profit or not; any state, county,
28 political subdivision, state department, commission, board, bureau, or agency, except the
29 department of transportation; any estate, trust, business trust, or receiver or trustee
30 appointed by a state or federal court; or any syndicate or other group or combination
31 acting as a unit;

32 (4) "Purchaser", any person who is the recipient for a valuable consideration of
33 any sale of tangible personal property acquired for use, storage, or consumption in this
34 state;

35 (5) "Retail sale", the same meaning as defined under sections 144.010 and 144.011,
36 excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and
37 outboard motors required to be titled under the laws of the state and subject to tax under
38 subdivision (9) of subsection 1 of section 144.020;

39 (6) "Seller", a person selling or furnishing tangible personal property or rendering
40 services on the receipts from which a tax is imposed under section 144.020.

41 2. (1) By no later than January 1, 2022, marketplace facilitators that reach the
42 threshold provided under paragraph (g) of subdivision (2) of section 144.605 shall register
43 with the department to collect and remit sales and use tax, as applicable, on sales made
44 through the marketplace facilitator's marketplace by or on behalf of a marketplace seller
45 that are purchased in or delivered into the state, whether by the marketplace facilitator or
46 another person, and regardless of whether the marketplace seller for whom sales are

47 **facilitated possesses a retail sales license or would have been required to collect sales or use**
48 **tax had the sale not been facilitated by the marketplace facilitator. Such retail sales shall**
49 **include those made directly by the marketplace facilitator and shall also include those**
50 **retail sales made by marketplace sellers through the marketplace facilitator's marketplace.**
51 **The collection and reporting requirements of this subsection shall not apply to retail sales**
52 **other than those made through a marketplace facilitator's marketplace. Nothing in this**
53 **section shall be construed to limit or prohibit the ability of a marketplace facilitator and**
54 **a marketplace seller to enter into agreements regarding the fulfillment of the requirements**
55 **of this chapter.**

56 **(2) All taxable sales made through a marketplace facilitator's marketplace by or**
57 **on behalf of a marketplace seller shall be deemed to be consummated at the location in this**
58 **state to which the item is shipped or delivered or at which possession is taken by the**
59 **purchaser.**

60 **3. Marketplace facilitators that are required to collect sales and use tax under this**
61 **section shall report and remit the tax separately from any sales and use tax collected by the**
62 **marketplace facilitator, or by affiliates of the marketplace facilitator, that the marketplace**
63 **facilitator would have been required to collect and remit under the provisions of this**
64 **chapter prior to January 1, 2022. Such tax shall be reported and remitted on a**
65 **marketplace facilitator return to be developed and published by the department.**
66 **Marketplace facilitators shall maintain records of all sales delivered to a location in the**
67 **state, including copies of invoices showing the purchaser, address, items purchased,**
68 **purchase amount, and sales and use tax collected. Such records shall be made available**
69 **for review and inspection upon request by the department.**

70 **4. Marketplace facilitators who properly collect and remit to the department in a**
71 **timely manner sales and use tax on sales in accordance with the provisions of this section**
72 **by or on behalf of marketplace sellers shall be eligible for any discount provided under this**
73 **chapter.**

74 **5. A marketplace facilitator shall provide the purchaser with a statement or invoice**
75 **showing the amount of the sales or use tax and that the sales or use tax was collected and**
76 **shall be remitted on the purchaser's behalf.**

77 **6. Any purchaser, marketplace facilitator, or marketplace seller who remits sales**
78 **or use tax under this section shall be entitled to refunds or credits to the same extent and**
79 **in the same manner provided for in section 144.190 for taxes collected and remitted under**
80 **this section. Nothing in this section shall relieve a purchaser of the obligation to remit sales**
81 **or use tax for any retail sale taxable under this chapter for which a marketplace facilitator**
82 **or marketplace seller does not collect and remit the sales or use tax.**

83 7. (1) Except as provided under this subsection, marketplace facilitators shall be
84 subject to the penalty provisions, procedures, and reporting requirements provided under
85 this chapter.

86 (2) (a) The department shall not perform an audit under this chapter on a
87 marketplace facilitator except on sales made by a marketplace seller and facilitated by the
88 marketplace facilitator.

89 (b) The department shall not perform an audit under this chapter on a marketplace
90 seller for sales facilitated by a marketplace facilitator except to the extent that the
91 marketplace facilitator seeks relief from liability on the basis that insufficient or incorrect
92 information was provided to the marketplace facilitator by the marketplace seller.

93 (3) A marketplace facilitator shall be relieved from liability under this section for
94 the failure to collect and remit the correct amount of sales or use tax on retail sales
95 facilitated for a marketplace seller if the marketplace facilitator demonstrates to the
96 satisfaction of the department that the error was due to insufficient or incorrect
97 information provided to the marketplace facilitator by the marketplace seller and not an
98 error in sourcing the sale, unless the marketplace facilitator and the marketplace seller are
99 the same entity or are otherwise affiliated.

100 (4) The relief from liability provided to a marketplace facilitator under subdivision
101 (3) of this subsection shall not exceed the following percentage of the total sales and use tax
102 due on retail sales facilitated by the marketplace facilitator for marketplace sellers and
103 sourced to this state during a calendar year, excluding any retail sales made directly by the
104 marketplace facilitator or its affiliates:

105 (a) For retail sales made or facilitated during the 2022 calendar year, four percent;

106 (b) For retail sales made or facilitated during the 2023 calendar year, two percent;

107 (c) For retail sales made or facilitated during the 2024 calendar year, one percent;

108 and

109 (d) For retail sales made or facilitated on or after January 1, 2025, zero percent.

110 (5) To the extent that a marketplace facilitator is relieved of liability for the
111 collection of sales and use tax under this subsection, the marketplace seller for whom the
112 marketplace facilitator has made or facilitated the sale shall also be relieved of liability
113 under this subsection.

114 (6) The department shall determine the manner in which a marketplace facilitator
115 or marketplace seller shall apply for and claim the relief from liability provided for under
116 this subsection.

117 8. The department may grant a waiver from the requirements of this section if a
118 marketplace facilitator demonstrates to the satisfaction of the department that all of its

119 marketplace sellers are already registered under the provisions of this chapter to collect
120 and remit sales and use tax. If such waiver is granted, the sales or use tax due shall be
121 collected and remitted by the marketplace seller. The department shall develop guidelines
122 by rule that establish the criteria for obtaining a waiver, the process and procedure for a
123 marketplace facilitator or marketplace seller to apply for a waiver, and the process for
124 providing notice to an affected marketplace facilitator and marketplace seller of a waiver
125 obtained under the provisions of this subsection. Any rule or portion of a rule, as that term
126 is defined in section 536.010, that is created under the authority delegated in this section
127 shall become effective only if it complies with and is subject to all of the provisions of
128 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
129 nonseverable, and if any of the powers vested with the general assembly pursuant to
130 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
131 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
132 proposed or adopted after August 28, 2021, shall be invalid and void.

144.757. 1. (1) Any county or municipality [~~except municipalities within a county~~
2 ~~having a charter form of government with a population in excess of nine hundred thousand,~~]
3 may, by a majority vote of its governing body, impose a local use tax if a local sales tax is
4 imposed as defined in section 32.085 at a rate equal to the rate of the local sales tax in effect in
5 such county or municipality; provided, however, that no ordinance or order enacted pursuant to
6 sections 144.757 to 144.761 shall be effective unless the governing body of the county or
7 municipality submits to the voters thereof at a municipal, county or state general, primary or
8 special election a proposal to authorize the governing body of the county or municipality to
9 impose a local use tax pursuant to sections 144.757 to 144.761.

10 (2) Municipalities within a county having a charter form of government with a
11 population in excess of nine hundred thousand [~~may, upon voter approval received pursuant to~~
12 ~~paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the~~
13 ~~same rate as the local municipal sales tax with the revenues from all such municipal use taxes~~
14 ~~to be distributed pursuant to subsection 4 of section 94.890. The municipality shall within thirty~~
15 ~~days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of~~
16 ~~subsection 2 of this section select one of the distribution options permitted in]~~ **shall, within**
17 **thirty days of the approval of the use tax imposed under subdivision (1) of subsection 2 of**
18 **this section, select one of the distribution options permitted under** subsection 4 of section
19 94.890 for distribution of all municipal use taxes.

20 2. (1) The ballot of submission [~~except for counties and municipalities described in~~
21 ~~subdivisions (2) and (3) of this subsection,~~] shall contain substantially the following language:

22 Shall the _____ (county or municipality's name) **be authorized to** impose a
 23 local use tax at the same rate as the [total] local sales tax rate [~~currently _____~~
 24 (~~insert percent~~),] **by a vote of the governing body**, provided that if **any local**
 25 **sales tax is repealed**, [~~the local sales tax rate is~~] reduced, or raised by voter
 26 approval, the **respective** local use tax [~~rate~~] shall also be **repealed**, reduced, or
 27 raised by the same action? **Use taxes on out-of-state purchases made through**
 28 **an internet website shall apply to all purchases and shall be calculated,**
 29 **collected, and remitted by the website. Use taxes on out-of-state purchases**
 30 **not made through an internet website shall require the purchaser to**
 31 **calculate and remit use tax payment to the Missouri Department of Revenue**
 32 **annually with a use tax return, but** a use tax return shall not be required to be
 33 filed by persons whose purchases from out-of-state vendors do not in total exceed
 34 two thousand dollars in any calendar year.

35 YES NO

36

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

39

40 ~~(2) [(a) The ballot of submission in a county having a charter form of government with~~
 41 ~~a population in excess of nine hundred thousand shall contain substantially the following~~
 42 ~~language:~~

43 ~~_____ For the purposes of enhancing county and municipal public safety, parks, and job~~
 44 ~~creation and enhancing local government services, shall the county be authorized~~
 45 ~~to collect a local use tax equal to the total of the existing county sales tax rate of~~
 46 ~~(insert tax rate), provided that if the county sales tax is repealed, reduced or~~
 47 ~~raised by voter approval, the local use tax rate shall also be repealed, reduced or~~
 48 ~~raised by the same voter action? Fifty percent of the revenue shall be used by the~~
 49 ~~county throughout the county for improving and enhancing public safety, park~~
 50 ~~improvements, and job creation, and fifty percent shall be used for enhancing~~
 51 ~~local government services. The county shall be required to make available to the~~
 52 ~~public an audited comprehensive financial report detailing the management and~~
 53 ~~use of the countywide portion of the funds each year.~~

54

55 ~~_____ A use tax is the equivalent of a sales tax on purchases from out-of-state sellers~~
 56 ~~by in-state buyers and on certain taxable business transactions. A use tax return~~

57 ~~shall not be required to be filed by persons whose purchases from out-of-state~~
58 ~~vendors do not in total exceed two thousand dollars in any calendar year.~~

59 ~~YES NO~~

60

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

63

64 ~~(b) The ballot of submission in a municipality within a county having a charter form of~~
65 ~~government with a population in excess of nine hundred thousand shall contain substantially the~~
66 ~~following language:~~

67 ~~Shall the municipality be authorized to impose a local use tax at the same rate as~~
68 ~~the local sales tax by a vote of the governing body, provided that if any local sales~~
69 ~~tax is repealed, reduced or raised by voter approval, the respective local use tax~~
70 ~~shall also be repealed, reduced or raised by the same action? A use tax return~~
71 ~~shall not be required to be filed by persons whose purchases from out-of-state~~
72 ~~vendors do not in total exceed two thousand dollars in any calendar year.~~

73 ~~YES NO~~

74

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

77

78 ~~(3) The ballot of submission in any city not within a county shall contain substantially~~
79 ~~the following language:~~

80 ~~Shall the _____ (city name) impose a local use tax at the same rate as the local~~
81 ~~sales tax, currently at a rate of _____ (insert percent) which includes the capital~~
82 ~~improvements sales tax and the transportation tax, provided that if any local sales~~
83 ~~tax is repealed, reduced or raised by voter approval, the respective local use tax~~
84 ~~shall also be repealed, reduced or raised by the same action? A use tax return~~
85 ~~shall not be required to be filed by persons whose purchases from out-of-state~~
86 ~~vendors do not in total exceed two thousand dollars in any calendar year.~~

87 ~~YES NO~~

88

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

91

92 ~~—— (4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes~~
93 ~~east on the proposal by the qualified voters voting thereon are in favor of the proposal, then the~~
94 ~~ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the~~
95 ~~director of revenue receives notice of adoption of the local use tax on or before August 16, 1996.~~
96 ~~If any of such ballots are submitted after December 31, 1996, and] If a majority of the votes cast~~
97 on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
98 ordinance or order and any amendments thereto shall be in effect on the first day of the calendar
99 quarter which begins at least forty-five days after the director of revenue receives notice of
100 adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are
101 opposed to the proposal, then the governing body of the county or municipality shall have no
102 power to impose the local use tax as herein authorized unless and until the governing body of the
103 county or municipality shall again have submitted another proposal to authorize the governing
104 body of the county or municipality to impose the local use tax and such proposal is approved by
105 a majority of the qualified voters voting thereon.

106 **(3) Any county or municipality with an existing local use tax enacted prior to**
107 **January 1, 2022, shall be permitted to keep such existing local use tax at a rate not to**
108 **exceed the rate enacted as of January 1, 2022. If any such county or municipality places**
109 **the use tax measure of this section on the ballot and the measure fails to pass, the use tax**
110 **enacted prior to January 1, 2022, shall remain in effect until it expires or is repealed,**
111 **reduced, or raised by a future ballot measure. If any such county or municipality places**
112 **the use tax measure of this section on the ballot and the measure passes, the use tax of this**
113 **section shall replace the previously enacted use tax.**

114 3. The local use tax may be imposed at the same rate as the local sales tax then currently
115 in effect in the county or municipality upon all transactions which are subject to the taxes
116 imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting
117 such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced
118 or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced
119 or raised by the same action repealing, reducing or raising the local sales tax.

120 4. For purposes of sections 144.757 to 144.761, the use tax may be referred to or
121 described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state
122 buyers and on certain intrabusiness transactions. Such a description shall not change the
123 classification, form or subject of the use tax or the manner in which it is collected. **The use tax**
124 **shall not be described as a new tax or as not being a new tax, nor shall it be advertised or**
125 **promoted in a manner in violation of section 115.646.**

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered
2 voters from each county partially or totally within the proposed district may file a petition

3 requesting the creation of a district. However, if no persons eligible to be registered voters reside
4 within the district, the owners of record of all of the real property, except public streets, located
5 within the proposed district may file a petition requesting the creation of a district. The petition
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any
8 county in which a proposed project may be located may file a petition in the circuit court of that
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of
11 one or more municipalities and counties; provided:

12 (1) Property separated only by public streets, easements or rights-of-way shall be
13 considered contiguous;

14 (2) In the case of a district formed pursuant to a petition filed by the owners of record
15 of all of the real property located within the proposed district, the proposed district area need not
16 contain contiguous properties if:

17 (a) The petition provides that the only funding method for project costs will be a sales
18 tax;

19 (b) The court finds that all of the real property located within the proposed district will
20 benefit by the projects to be undertaken by the district; and

21 (c) Each parcel within the district is within five miles of every other parcel; and

22 (3) In the case of a district created pursuant to subsection 5 of this section, property
23 separated only by public streets, easements, or rights-of-way or connected by a single public
24 street, easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,
27 if no persons eligible to be registered voters reside within the proposed district, the name and
28 address of each owner of record of real property located within the proposed district, or shall
29 recite that the petitioner is the governing body of a local transportation authority acting in its
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the
32 commission and each affected local transportation authority within the proposed district, except
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,
37 including a description of the approximate location of each project;

38 (5) The estimated project costs and the anticipated revenues to be collected from the
39 project;

40 (6) The name of the proposed district;

41 (7) The number of members of the board of directors of the proposed district, which shall
42 be not less than five or more than fifteen;

43 (8) A statement that the terms of office of initial board members shall be staggered in
44 approximately equal numbers to expire in one, two or three years;

45 (9) If the petition was filed by registered voters or by a governing body, a request that
46 the question be submitted to the qualified voters within the limits of the proposed district
47 whether they will establish a transportation development district to develop a specified project
48 or projects;

49 (10) A proposal for funding the district initially, pursuant to the authority granted in
50 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to
51 the qualified voters within the limits of the proposed district **if thirty thousand or more**
52 **qualified voters reside in such district, or to the qualified voters of the municipalities of the**
53 **district if such district is located wholly within one or more municipalities and less than**
54 **thirty thousand qualified voters reside in such district, or to the qualified voters of the**
55 **county or counties of the district if such district is not wholly located within one or more**
56 **municipalities and less than thirty thousand qualified voters reside in such district;**
57 provided, however, the funding method of special assessments may also be approved as provided
58 in subsection 1 of section 238.230;

59 (11) A statement that the proposed district shall not be an undue burden on any owner
60 of property within the district and is not unjust or unreasonable; and

61 (12) Details of the budgeted expenditures, including estimated expenditures for real
62 physical improvements, estimated land acquisition expenses, estimated expenses for professional
63 services and estimated interest charges.

64 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,
65 if two or more local transportation authorities have adopted resolutions calling for the joint
66 establishment of a district, the governing body of any one such local transportation authority may
67 file a petition in the circuit court of any county in which the proposed project is located
68 requesting the creation of a district; or, if not less than fifty registered voters from each of two
69 or more counties sign a petition calling for the joint establishment of a district for the purpose
70 of developing a project that lies in whole or in part within those same counties, the petition may
71 be filed in the circuit court of any of those counties in which not less than fifty registered voters
72 have signed the petition.

73 (2) The proposed district area shall be contiguous and may contain all or any portion of
74 one or more municipalities and counties. Property separated only by public streets, easements,
75 or rights-of-way or connected by a single public street, easement, or right-of-way shall be
76 considered contiguous.

77 (3) The petition shall set forth:

78 (a) That the petitioner is the governing body of a local transportation authority acting in
79 its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty
80 registered voters in each of two or more counties, it shall set forth the name, voting residence,
81 and county of residence of each individual petitioner;

82 (b) The name of each local transportation authority within the proposed district. The
83 resolution of the governing body of each local transportation authority calling for the joint
84 establishment of the district shall be attached to the petition;

85 (c) The name and address of each respondent. Respondents must include the
86 commission and each affected local transportation authority within the proposed district, except
87 a petitioning local transportation authority;

88 (d) A specific description of the proposed district boundaries including a map illustrating
89 such boundaries;

90 (e) A general description of each project proposed to be undertaken by the district,
91 including a description of the approximate location of each project;

92 (f) The name of the proposed district;

93 (g) The number of members of the board of directors of the proposed district;

94 (h) A request that the question be submitted to the qualified voters within the limits of
95 the proposed district whether they will establish a transportation development district to develop
96 the projects described in the petition;

97 (i) A proposal for funding the district initially, pursuant to the authority granted in
98 sections 238.200 to 238.275, together with a request that the imposition of the funding proposal
99 be submitted to the qualified voters residing within the limits of the proposed district **if thirty**
100 **thousand or more qualified voters reside in such district, or to the qualified voters of the**
101 **municipalities of the district if such district is located wholly within one or more**
102 **municipalities and less than thirty thousand qualified voters reside in such district, or to**
103 **the qualified voters of the county or counties of the district if such district is not wholly**
104 **located within one or more municipalities and less than thirty thousand qualified voters**
105 **reside in such district**; provided, however, the funding method of special assessments may also
106 be approved as provided in subsection 1 of section 238.230; and

107 (j) A statement that the proposed district shall not be an undue burden on any owner of
108 property within the district and is not unjust or unreasonable.

109 **6. Beginning January 1, 2022, any district authorized under this section shall expire**
110 **twenty years from this date or twenty years from the effective date of such district,**
111 **whichever is later, unless reauthorized by the qualified voters under this section.**

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

11 (a) The board of directors of the transportation development district submits to the
12 qualified voters of the transportation development district **if thirty thousand or more qualified**
13 **voters reside in such district, or to the qualified voters of the municipalities of the district**
14 **if such district is located wholly within one or more municipalities and less than thirty**
15 **thousand qualified voters reside in such district, or to the qualified voters of the county or**
16 **counties of the district if such district is not wholly located within one or more**
17 **municipalities and less than thirty thousand qualified voters reside in such district a**
18 proposal to authorize the board of directors of the transportation development district to impose
19 or increase the levy of an existing tax pursuant to the provisions of this section; or

20 (b) The voters approved the question certified by the petition filed pursuant to subsection
21 5 of section 238.207.

22 (2) If the transportation district submits to the qualified voters of the transportation
23 development district **if thirty thousand or more qualified voters reside in such district, or**
24 **to the qualified voters of the municipalities of the district if such district is located wholly**
25 **within one or more municipalities and less than thirty thousand qualified voters reside in**
26 **such district, or to the qualified voters of the county or counties of the district if such**
27 **district is not wholly located within one or more municipalities and less than thirty**
28 **thousand qualified voters reside in such district a proposal to authorize the board of directors**
29 of the transportation development district to impose or increase the levy of an existing tax
30 pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of
31 submission shall contain, but need not be limited to, the following language:

32 Shall the transportation development district of _____ (transportation
33 development district's name) impose a transportation development district-wide

34 sales tax at the rate of _____ (insert amount) for a period of _____ (insert
35 number) years from the date on which such tax is first imposed for the purpose
36 of _____ (insert transportation development purpose)?

37 YES NO

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

40

41 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
42 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority
43 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of
44 directors of the transportation development district shall have no power to impose the sales tax
45 authorized by this section unless and until the board of directors of the transportation
46 development district shall again have submitted another proposal to authorize it to impose the
47 sales tax pursuant to the provisions of this section and such proposal is approved by a majority
48 of the qualified voters voting thereon.

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

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

56 (5) In order to permit sellers required to collect and report the sales tax authorized by this
57 section to collect the amount required to be reported and remitted, but not to change the
58 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
59 fractions of pennies, the transportation development district may establish appropriate brackets
60 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets
61 provided in section 144.285.

62 (6) All revenue received by a transportation development district from the tax authorized
63 by this section which has been designated for a certain transportation development purpose shall
64 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon
65 the expiration of the period of years approved by the qualified voters pursuant to subdivision (2)
66 of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of
67 this section, all funds remaining in the special trust fund shall continue to be used solely for such
68 designated transportation development purpose. Any funds in such special trust fund which are

69 not needed for current expenditures may be invested by the board of directors in accordance with
70 applicable laws relating to the investment of other transportation development district funds.

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

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

85 3. On and after the effective date of any tax imposed pursuant to this section, the director
86 of revenue shall perform all functions incident to the administration, collection, enforcement, and
87 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes
88 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant
89 to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be
90 collected together and reported upon such forms and pursuant to such administrative rules and
91 regulations as may be prescribed by the director of revenue.

92 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the
93 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality
94 provision, shall apply to the collection of the tax imposed by this section, except as modified in
95 this section.

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

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

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

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

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

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

125 6. (1) No transportation development district imposing a sales tax pursuant to this
126 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
127 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
128 revenue bonds, notes or other obligations which it has issued or which have been issued by the
129 commission or any local transportation authority to finance any project or projects.

130 (2) Whenever the board of directors of any transportation development district in which
131 a transportation development sales tax has been imposed in the manner provided by this section
132 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal
133 such transportation development sales tax, the board of directors shall, if such repeal will not
134 impair the district's ability to repay any liabilities which it has incurred, money which it has
135 borrowed or revenue bonds, notes or other obligations which it has issued or which have been
136 issued by the commission or any local transportation authority to finance any project or projects,
137 submit to the qualified voters of such transportation development district **if thirty thousand or**
138 **more qualified voters reside in such district, or to the qualified voters of the municipalities**
139 **of the district if such district is located wholly within one or more municipalities and less**
140 **than thirty thousand qualified voters reside in such district, or to the qualified voters of the**

141 **county or counties of the district if such district is not wholly located within one or more**
142 **municipalities and less than thirty thousand qualified voters reside in such district a**
143 proposal to repeal the transportation development sales tax imposed pursuant to the provisions
144 of this section. If a majority of the votes cast on the proposal by the qualified voters voting
145 thereon are in favor of the proposal to repeal the transportation development sales tax, then the
146 resolution imposing the transportation development sales tax, along with any amendments
147 thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are
148 opposed to the proposal to repeal the transportation development sales tax, then the ordinance
149 or resolution imposing the transportation development sales tax, along with any amendments
150 thereto, shall remain in effect.

151 7. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the
152 contrary, the sales tax imposed by a district whose project is a public mass transportation system
153 shall not be considered economic activity taxes as such term is defined under sections 99.805 and
154 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section
155 99.845, or subsection 4 of section 99.957.

156 **8. Beginning January 1, 2022, any sales and use tax authorized by a district under**
157 **this section shall expire twenty years from this date or twenty years from the effective date**
158 **of such sales and use tax authorized by a district under this section, whichever is later,**
159 **unless reauthorized by the qualified voters under this section.**

238.237. 1. If approved by a majority of the qualified voters voting on the question in
2 the district **if thirty thousand or more qualified voters reside in such district, or to the**
3 **qualified voters of the municipalities of the district if such district is located wholly within**
4 **one or more municipalities and less than thirty thousand qualified voters reside in such**
5 **district, or to the qualified voters of the county or counties of the district if such district is**
6 **not wholly located within one or more municipalities and less than thirty thousand**
7 **qualified voters reside in such**, the district may charge and collect tolls or fees for the use of
8 a project. The board may charge a lower toll rate or fee than that amount approved by the
9 [district] voters, and may increase that lower toll rate or fee to a level not exceeding the toll or
10 fee rate ceiling without voter approval. Toll rates or fees for the use of the same project may
11 vary at the election of the board, depending upon the type or nature of the user, or the type or
12 nature of the use.

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

14 Shall the _____ Transportation Development District be authorized to charge
15 tolls or fees in amounts not to exceed those given below:

16 Maximum Toll or Fee Toll or Fee Description

17 (Insert amount) (Insert a brief description of the
 18 toll or fee, distinguishing it from
 19 other tolls or fees to be charged on
 20 the same project)

21 (Insert amount) (Describe the next toll or fee
 22 charged)

23 (Etc.) (Etc.)

24 for the purpose of providing revenue for the development of a project (or
 25 projects) in the district (insert general description of the project or projects, if
 26 necessary)?

27 YES NO

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

30 3. To construct a toll facility, a district may relocate an existing state highway, subject
 31 to approval by the commission, or an existing local public street or road, subject to approval by
 32 the local transportation authority having control and jurisdiction over such street or road. A
 33 district shall not incorporate an existing free public street, road, or highway into a district project
 34 that will be subject to tolls.

35 **4. Beginning January 1, 2022, any sales and use tax authorized by a district under**
 36 **this section shall expire twenty years from this date or twenty years from the effective date**
 37 **of such sales and use tax authorized by a district under this section, whichever is later,**
 38 **unless reauthorized by the qualified voters under this section.**

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

2 (1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable
 3 product, growing of grapes that will be processed into wine, bees, honey, fish or other
 4 aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or
 5 a poultry product, either in its natural or processed state, that has been produced, processed, or
 6 otherwise had value added to it in this state;

7 (2) "Blighted area", ~~[that portion of the city within which the legislative authority of such~~
 8 ~~city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical~~
 9 ~~deterioration have become economic and social liabilities, and that such conditions are conducive~~
 10 ~~to ill health, transmission of disease, crime or inability to pay reasonable taxes]~~ **the same**
 11 **meaning as provided under section 67.1401;**

12 (3) "Department", the department of agriculture;

13 (4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not
 14 limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a

15 legal source and not from the wild, goats, or horses, other equines, or rabbits raised in
16 confinement for human consumption;

17 (5) "Grower UAZ", a type of UAZ:

18 (a) That can either grow produce, raise livestock, or produce other value-added
19 agricultural products;

20 (b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty
21 domesticated animals;

22 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to
23 ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison,
24 elk documented as obtained from a legal source and not from the wild, goats, or horses, other
25 equines, or rabbits raised in confinement for human consumption;

26 (7) "Locally grown", a product that was grown or raised in the same county or city not
27 within a county in which the UAZ is located or in an adjoining county or city not within a
28 county. For a product raised or sold in a city not within a county, locally grown also includes
29 an adjoining county with a charter form of government with more than nine hundred fifty
30 thousand inhabitants and those adjoining said county;

31 (8) "Meat", any edible portion of livestock or poultry carcass or part thereof;

32 (9) "Meat product", anything containing meat intended for or capable of use for human
33 consumption, which is derived, in whole or in part, from livestock or poultry;

34 (10) "Mobile unit", the same as motor vehicle as defined in section 301.010;

35 (11) "Poultry", any domesticated bird intended for human consumption;

36 (12) "Processing UAZ", a type of UAZ:

37 (a) That processes livestock, poultry, or produce for human consumption;

38 (b) That meets federal and state processing laws and standards;

39 (c) Is a qualifying small business approved by the department;

40 (13) "Qualifying small business", those enterprises which are established within an
41 Urban Agricultural Zone subsequent to its creation, and which meet the definition established
42 for the Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13
43 of the Code of Federal Regulations;

44 (14) "Value-added agricultural products", any product or products that are the result of:

45 (a) Using an agricultural product grown in this state to produce a meat or dairy product
46 in this state;

47 (b) A change in the physical state or form of the original agricultural product;

48 (c) An agricultural product grown in this state which has had its value enhanced by
49 special production methods such as organically grown products; or

50 (d) A physical segregation of a commodity or agricultural product grown in this state that
51 enhances its value such as identity preserved marketing systems;

52 (15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area
53 as defined by the United States Office of Budget and Management that has one or more of the
54 following entities that is a qualifying small business and approved by the department, as follows:

55 (a) Any organization or person who grows produce or other agricultural products;

56 (b) Any organization or person that raises livestock or poultry;

57 (c) Any organization or person who processes livestock or poultry;

58 (d) Any organization that sells at a minimum seventy-five percent locally grown food;

59 (16) "Vending UAZ", a type of UAZ:

60 (a) That sells produce, meat, or value-added locally grown agricultural goods;

61 (b) That is able to accept food stamps under the provisions of the Supplemental Nutrition
62 Assistance Program as a form of payment; and

63 (c) Is a qualifying small business that is approved by the department for an UAZ vendor
64 license.

65 2. (1) A person or organization shall submit to any incorporated municipality an
66 application to develop an UAZ on a blighted area of land. Such application shall demonstrate
67 or identify on the application:

68 (a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or
69 a combination of all three types of UAZs provided in this paragraph, in which case the person
70 or organization shall meet the requirements of each type of UAZ in order to qualify;

71 (b) The number of jobs to be created;

72 (c) The types of products to be produced; and

73 (d) If applying for a vending UAZ, the ability to accept food stamps under the provisions
74 of the Supplemental Nutrition Assistance Program if selling products to consumers.

75 (2) A municipality shall review and modify the application as necessary before either
76 approving or denying the request to establish an UAZ.

77 (3) Approval of the UAZ by such municipality shall be reviewed five and ten years after
78 the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

79

80 If the municipality finds during its review that the UAZ is not meeting the requirements set out
81 in this section, the municipality may dissolve the UAZ.

82 3. The governing body of any municipality planning to seek designation of an urban
83 agricultural zone shall establish an urban agricultural zone board. The number of members on
84 the board shall be seven. One member of the board shall be appointed by the school district or
85 districts located within the area proposed for designation of an urban agricultural zone. Two

86 members of the board shall be appointed by other affected taxing districts. The remaining four
87 members shall be chosen by the chief elected officer of the municipality. The four members
88 chosen by the chief elected officer of the municipality shall all be residents of the county or city
89 not within a county in which the UAZ is to be located, and at least one of such four members
90 shall have experience in or represent organizations associated with sustainable agriculture, urban
91 farming, community gardening, or any of the activities or products authorized by this section for
92 UAZs.

93 4. The school district member and the two affected taxing district members shall each
94 have initial terms of five years. Of the four members appointed by the chief elected official, two
95 shall have initial terms of four years, and two shall have initial terms of three years. Thereafter,
96 members shall serve terms of five years. Each member shall hold office until a successor has
97 been appointed. All vacancies shall be filled in the same manner as the original appointment.
98 For inefficiency or neglect of duty or misconduct in office, a member of the board may be
99 removed by the applicable appointing authority.

100 5. A majority of the members shall constitute a quorum of such board for the purpose
101 of conducting business and exercising the powers of the board and for all other purposes. Action
102 may be taken by the board upon a vote of a majority of the members present.

103 6. The members of the board annually shall elect a chair from among the members.

104 7. The role of the board shall be to conduct the activities necessary to advise the
105 governing body on the designation of an urban agricultural zone and any other advisory duties
106 as determined by the governing body. The role of the board after the designation of an urban
107 agricultural zone shall be review and assessment of zone activities.

108 8. Prior to the adoption of an ordinance proposing the designation of an urban
109 agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and
110 notify each taxing district located wholly or partially within the boundaries of the proposed urban
111 agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing
112 districts and political subdivisions in the area to be affected and shall publish notice of such
113 hearing in a newspaper of general circulation in the area to be affected by the designation at least
114 twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice
115 shall state the time, location, date, and purpose of the hearing. At the public hearing any
116 interested person or affected taxing district may file with the board written objections to, or
117 comments on, and may be heard orally in respect to, any issues embodied in the notice. The
118 board shall hear and consider all protests, objections, comments, and other evidence presented
119 at the hearing. The hearing may be continued to another date without further notice other than
120 a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

121 9. Following the conclusion of the public hearing required under subsection 8 of this
122 section, the governing authority of the municipality may adopt an ordinance designating an urban
123 agricultural zone.

124 10. The real property of the UAZ shall not be subject to assessment or payment of ad
125 valorem taxes on real property imposed by the cities affected by this section, or by the state or
126 any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance
127 under subsection 9 of this section, except to such extent and in such amount as may be imposed
128 upon such real property during such period, as was determined by the assessor of the county in
129 which such real property is located, or, if not located within a county, then by the assessor of
130 such city, in an amount not greater than the amount of taxes due and payable thereon during the
131 calendar year preceding the calendar year during which the urban agricultural zone was
132 designated. The amounts of such tax assessments shall not be increased during such period so
133 long as the real property is used in furtherance of the activities provided under the provisions of
134 subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement
135 provided by the ordinance, the property shall then be reassessed. If only a portion of real
136 property is used as an UAZ, then only that portion of real property shall be exempt from
137 assessment or payment of ad valorem taxes on such property, as provided by this section.

138 11. If the water services for the UAZ are provided by the municipality, the municipality
139 may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the
140 UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water
141 source.

142 12. (1) Any local sales tax revenues received from the sale of agricultural products sold
143 in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending
144 UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall
145 be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection.
146 An amount equal to one percent shall be retained by the director of revenue for deposit in the
147 general revenue fund to offset the costs of collection.

148 (2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund",
149 which shall consist of money collected under subdivision (1) of this subsection. The state
150 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
151 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
152 appropriation, shall be used for the purposes authorized by this section. Notwithstanding the
153 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
154 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall
155 invest moneys in the fund in the same manner as other funds are invested. Any interest and
156 moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys

157 shall be made available to school districts. The remaining fifty percent of fund moneys shall be
 158 allocated to municipalities that have urban agricultural zones based upon the municipality's
 159 percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon
 160 appropriation, provide fund moneys to urban agricultural zones within the municipality for
 161 improvements. School districts may apply to the department for money in the fund to be used
 162 for the development of curriculum on or the implementation of urban farming practices under
 163 the guidance of the University of Missouri extension service and a certified vocational
 164 agricultural instructor. The funds are to be distributed on a competitive basis within the school
 165 district or districts in which the UAZ is located pursuant to rules to be promulgated by the
 166 department, with special consideration given to the relative number of students eligible for free
 167 and reduced-price lunches attending the schools within such district or districts.

168 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 169 created under the authority delegated in this section shall become effective only if it complies
 170 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 171 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 172 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
 173 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 174 any rule proposed or adopted after August 28, 2013, shall be invalid and void.

175 14. The provisions of this section shall not apply to any county with a charter form of
 176 government and with more than three hundred thousand but fewer than four hundred fifty
 177 thousand inhabitants.

353.020. The following terms, whenever used or referred to in this chapter, mean:

2 (1) "Area", that portion of the city which the legislative authority of such city has found
 3 or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction
 4 thereof is necessary to effectuate the purposes of this law. Any such area may include buildings
 5 or improvements not in themselves blighted, and any real property, whether improved or
 6 unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning,
 7 reconstruction or rehabilitation of the area of which such buildings, improvements or real
 8 property form a part;

9 (2) "Blighted area", ~~[that portion of the city within which the legislative authority of such~~
 10 ~~city determines that by reason of age, obsolescence, inadequate or outmoded design or physical~~
 11 ~~deterioration have become economic and social liabilities, and that such conditions are conducive~~
 12 ~~to ill health, transmission of disease, crime or inability to pay reasonable taxes]~~ **the same**
 13 **meaning as provided under section 67.1401;**

14 (3) "City" or "such cities", any city within this state and any county of the first
 15 classification with a charter form of government and a population of at least nine hundred

16 thousand inhabitants or any county with a charter form of government and with more than six
17 hundred thousand but less than seven hundred thousand inhabitants. The county's authority
18 pursuant to this chapter shall be restricted to the unincorporated areas of such county;

19 (4) "Development plan", a plan, together with any amendments thereto, for the
20 development of all or any part of a blighted area, which is authorized by the legislative authority
21 of any such city;

22 (5) "Legislative authority", the city council or board of aldermen of the cities affected
23 by this chapter;

24 (6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or
25 other instrument creating a lien on real property, to secure the payment of an indebtedness, and
26 the indebtedness secured by any of them;

27 (7) "Real property" includes lands, buildings, improvements, land under water,
28 waterfront property, and any and all easements, franchises and hereditaments, corporeal or
29 incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or
30 appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant
31 or otherwise, rights-of-way and terms for years;

32 (8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any
33 blighted area, and the provision for such industrial, commercial, residential or public structures
34 and spaces as may be appropriate, including recreational and other facilities incidental or
35 appurtenant thereto;

36 (9) "Redevelopment project", a specific work or improvement to effectuate all or any
37 part of a development plan;

38 (10) "Urban redevelopment corporation", a corporation organized pursuant to this
39 chapter; except that any life insurance company organized pursuant to the laws of, or admitted
40 to do business in, the state of Missouri may from time to time within five years after April 23,
41 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company
42 or urban redevelopment corporation, a redevelopment project pursuant to this chapter, and shall,
43 in its operations with respect to any such redevelopment project, but not otherwise, be deemed
44 to be an urban redevelopment corporation for the purposes of this section and sections 353.010,
45 353.040, 353.060 and 353.110 to 353.160.

620.2005. 1. As used in sections 620.2000 to 620.2020, the following terms mean:

2 (1) "Average wage", the new payroll divided by the number of new jobs, or the payroll
3 of the retained jobs divided by the number of retained jobs;

4 (2) "Commencement of operations", the starting date for the qualified company's first
5 new employee, which shall be no later than twelve months from the date of the approval;

6 (3) "Contractor", a person, employer, or business entity that enters into an agreement to
7 perform any service or work or to provide a certain product in exchange for valuable
8 consideration. This definition shall include but not be limited to a general contractor,
9 subcontractor, independent contractor, contract employee, project manager, or a recruiting or
10 staffing entity;

11 (4) "County average wage", the average wages in each county as determined by the
12 department for the most recently completed full calendar year. However, if the computed county
13 average wage is above the statewide average wage, the statewide average wage shall be deemed
14 the county average wage for such county for the purpose of determining eligibility. The
15 department shall publish the county average wage for each county at least annually.
16 Notwithstanding the provisions of this subdivision to the contrary, for any qualified company
17 that in conjunction with their project is relocating employees from a Missouri county with a
18 higher county average wage, the company shall obtain the endorsement of the governing body
19 of the community from which jobs are being relocated or the county average wage for their
20 project shall be the county average wage for the county from which the employees are being
21 relocated;

22 (5) "Department", the Missouri department of economic development;

23 (6) "Director", the director of the department of economic development;

24 (7) "Employee", a person employed by a qualified company, excluding:

25 (a) Owners of the qualified company unless the qualified company is participating in an
26 employee stock ownership plan; or

27 (b) Owners of a noncontrolling interest in stock of a qualified company that is publicly
28 traded;

29 (8) "Existing Missouri business", a qualified company that, for the ten-year period
30 preceding submission of a notice of intent to the department, had a physical location in Missouri
31 and full-time employees who routinely performed job duties within Missouri;

32 (9) "Full-time employee", an employee of the qualified company that is scheduled to
33 work an average of at least thirty-five hours per week for a twelve-month period, and one for
34 which the qualified company offers health insurance and pays at least fifty percent of such
35 insurance premiums. An employee that spends less than fifty percent of the employee's work
36 time at the facility shall be considered to be located at a facility if the employee receives his or
37 her directions and control from that facility, is on the facility's payroll, one hundred percent of
38 the employee's income from such employment is Missouri income, and the employee is paid at
39 or above the applicable percentage of the county average wage;

40 (10) "Industrial development authority", an industrial development authority organized
41 under chapter 349 that has entered into a formal written memorandum of understanding with an
42 entity of the United States Department of Defense regarding a qualified military project;

43 (11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control
44 systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and
45 drainage systems, broadband internet infrastructure, and any other similar public improvements,
46 but in no case shall infrastructure projects include private structures;

47 (12) "Local incentives", the present value of the dollar amount of direct benefit received
48 by a qualified company for a project facility from one or more local political subdivisions, but
49 this term shall not include loans or other funds provided to the qualified company that shall be
50 repaid by the qualified company to the political subdivision;

51 (13) "Manufacturing capital investment", expenditures made by a qualified
52 manufacturing company to retool or reconfigure a manufacturing project facility directly related
53 to the manufacturing of a new product or the expansion or modification of the manufacture of
54 an existing product;

55 (14) "Memorandum of understanding", an agreement executed by an industrial
56 development authority and an entity of the United States Department of Defense, a copy of which
57 is provided to the department of economic development, that states, but is not limited to:

58 (a) A requirement for the military to provide the total number of existing jobs, jobs
59 directly created by a qualified military project, and average salaries of such jobs to the industrial
60 development authority and the department of economic development annually for the term of the
61 benefit;

62 (b) A requirement for the military to provide an accounting of the expenditures of capital
63 investment made by the military directly related to the qualified military project to the industrial
64 development authority and the department of economic development annually for the term of the
65 benefit;

66 (c) The process by which the industrial development authority shall monetize the tax
67 credits annually and any transaction cost or administrative fee charged by the industrial
68 development authority to the military on an annual basis;

69 (d) A requirement for the industrial development authority to provide proof to the
70 department of economic development of the payment made to the qualified military project
71 annually, including the amount of such payment;

72 (e) The schedule of the maximum amount of tax credits which may be authorized in each
73 year for the project and the specified term of the benefit, as provided by the department of
74 economic development; and

75 (f) A requirement that the annual benefit paid shall be the lesser of:

- 76 a. The maximum amount of tax credits authorized; or
- 77 b. The actual calculated benefit derived from the number of new jobs and average
- 78 salaries;
- 79 (15) "NAICS" or "NAICS industry classification", the classification provided by the
- 80 most recent edition of the North American Industry Classification System as prepared by the
- 81 Executive Office of the President, Office of Management and Budget;
- 82 (16) "New capital investment", shall include costs incurred by the qualified company at
- 83 the project facility after acceptance by the qualified company of the proposal for benefits from
- 84 the department or the approval notice of intent, whichever occurs first, for real or personal
- 85 property, and may include the value of finance or capital leases for real or personal property for
- 86 the term of such lease at the project facility executed after acceptance by the qualified company
- 87 of the proposal for benefits from the department or the approval of the notice of intent;
- 88 (17) "New direct local revenue", the present value of the dollar amount of direct net new
- 89 tax revenues of the local political subdivisions likely to be produced by the project over a
- 90 ten-year period as calculated by the department, excluding local earnings tax, and net new utility
- 91 revenues, provided the local incentives include a discount or other direct incentives from utilities
- 92 owned or operated by the political subdivision;
- 93 (18) "New job", the number of full-time employees located at the project facility that
- 94 exceeds the project facility base employment less any decrease in the number of full-time
- 95 employees at related facilities below the related facility base employment. No job that was
- 96 created prior to the date of the notice of intent shall be deemed a new job;
- 97 (19) "New payroll", the amount of wages paid for all new jobs, located at the project
- 98 facility during the qualified company's tax year that exceeds the project facility base payroll;
- 99 (20) "New product", a new model or line of a manufactured good that has not been
- 100 manufactured in Missouri by a qualified manufacturing company at any time prior to the date of
- 101 the notice of intent, or an existing brand, model, or line of a manufactured good that is
- 102 redesigned;
- 103 (21) "Notice of intent", a form developed by the department and available online,
- 104 completed by the qualified company, and submitted to the department stating the qualified
- 105 company's intent to request benefits under this program. The notice of intent shall be
- 106 accompanied with a detailed plan by the qualifying company to make good faith efforts to
- 107 employ, at a minimum, commensurate with the percentage of minority populations in the state
- 108 of Missouri, as reported in the previous decennial census, the following: racial minorities,
- 109 contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial
- 110 minorities commensurate with the percentage of minority populations in the state of Missouri,
- 111 as reported in the previous decennial census. At a minimum, such plan shall include monitoring

112 the effectiveness of outreach and recruitment strategies in attracting diverse applicants and
113 linking with different or additional referral sources in the event that recruitment efforts fail to
114 produce a diverse pipeline of applicants;

115 (22) "Percent of local incentives", the amount of local incentives divided by the amount
116 of new direct local revenue;

117 (23) "Program", the Missouri works program established in sections 620.2000 to
118 620.2020;

119 (24) "Project facility", the building or buildings used by a qualified company at which
120 new or retained jobs and any new capital investment are or will be located or by a qualified
121 manufacturing company at which a manufacturing capital investment is or will be located. A
122 project facility may include separate buildings located within sixty miles of each other such that
123 their purpose and operations are interrelated; provided that where the buildings making up the
124 project facility are not located within the same county, the average wage of the new payroll shall
125 exceed the applicable percentage of the highest county average wage among the counties in
126 which the buildings are located. Upon approval by the department, a subsequent project facility
127 may be designated if the qualified company demonstrates a need to relocate to the subsequent
128 project facility at any time during the project period. For qualified military projects, the term
129 "project facility" means the military base or installation at which such qualified military project
130 is or shall be located;

131 (25) "Project facility base employment", the greater of the number of full-time
132 employees located at the project facility on the date of the notice of intent or, for the
133 twelve-month period prior to the date of the notice of intent, the average number of full-time
134 employees located at the project facility. In the event the project facility has not been in
135 operation for a full twelve-month period, the average number of full-time employees for the
136 number of months the project facility has been in operation prior to the date of the notice of
137 intent;

138 (26) "Project facility base payroll", the annualized payroll for the project facility base
139 employment or the total amount of taxable wages paid by the qualified company to full-time
140 employees of the qualified company located at the project facility in the twelve months prior to
141 the notice of intent. For purposes of calculating the benefits under this program, the amount of
142 base payroll shall increase each year based on an appropriate measure, as determined by the
143 department;

144 (27) "Project period", the time period within which benefits are awarded to a qualified
145 company or within which the qualified company is obligated to perform under an agreement with
146 the department, whichever is greater;

147 (28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state
148 benefits offered to the qualified company, as determined by the department;

149 (29) "Qualified company", a firm, partnership, joint venture, association, private or
150 public corporation whether organized for profit or not, or headquarters of such entity registered
151 to do business in Missouri that is the owner or operator of a project facility, certifies that it offers
152 health insurance to all full-time employees of all facilities located in this state, and certifies that
153 it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000
154 to 620.2020, the term "qualified company" shall not include:

155 (a) Gambling establishments (NAICS industry group 7132);

156 (b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and
157 45), except with respect to any company headquartered in this state with a majority of its
158 full-time employees engaged in operations not within the NAICS codes specified in this
159 subdivision, **and except for any such establishments located in a county of the third or**
160 **fourth class;**

161 (c) Food and drinking places (NAICS subsector 722);

162 (d) Public utilities (NAICS 221 including water and sewer services);

163 (e) Any company that is delinquent in the payment of any nonprotested taxes or any
164 other amounts due the state or federal government or any other political subdivision of this state;

165 (f) Any company requesting benefits for retained jobs that has filed for or has publicly
166 announced its intention to file for bankruptcy protection. However, a company that has filed for
167 or has publicly announced its intention to file for bankruptcy may be a qualified company
168 provided that such company:

169 a. Certifies to the department that it plans to reorganize and not to liquidate; and

170 b. After its bankruptcy petition has been filed, it produces proof, in a form and at times
171 satisfactory to the department, that it is not delinquent in filing any tax returns or making any
172 payment due to the state of Missouri, including but not limited to all tax payments due after the
173 filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer
174 who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of
175 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and
176 shall forfeit such benefits and shall repay the state an amount equal to any state tax credits
177 already redeemed and any withholding taxes already retained;

178 (g) Educational services (NAICS sector 61);

179 (h) Religious organizations (NAICS industry group 8131);

180 (i) Public administration (NAICS sector 92);

181 (j) Ethanol distillation or production;

182 (k) Biodiesel production; or

183 (l) Health care and social services (NAICS sector 62).

184

185 Notwithstanding any provision of this section to the contrary, the headquarters, administrative
186 offices, or research and development facilities of an otherwise excluded business may qualify
187 for benefits if the offices or facilities serve a multistate territory. In the event a national, state,
188 or regional headquarters operation is not the predominant activity of a project facility, the jobs
189 and investment of such operation shall be considered eligible for benefits under this section if
190 the other requirements are satisfied;

191 (30) "Qualified manufacturing company", a company that:

192 (a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

193 (b) Manufactures goods at a facility in Missouri;

194 (c) Manufactures a new product or has commenced making a manufacturing capital
195 investment to the project facility necessary for the manufacturing of such new product, or
196 modifies or expands the manufacture of an existing product or has commenced making a
197 manufacturing capital investment for the project facility necessary for the modification or
198 expansion of the manufacture of such existing product; and

199 (d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for
200 the project period;

201 (31) "Qualified military project", the expansion or improvement of a military base or
202 installation within this state that causes:

203 (a) An increase of ten or more military or civilian support personnel:

204 a. Whose average salaries equal or exceed ninety percent of the county average wage;
205 and

206 b. Who are offered health insurance, with an entity of the United States Department of
207 Defense paying at least fifty percent of such insurance premiums; and

208 (b) Investment in real or personal property at the base or installation expressly for the
209 purposes of serving a new or expanded military activity or unit;

210 (32) "Related company", shall mean:

211 (a) A corporation, partnership, trust, or association controlled by the qualified company;

212 (b) An individual, corporation, partnership, trust, or association in control of the
213 qualified company; or

214 (c) Corporations, partnerships, trusts or associations controlled by an individual,
215 corporation, partnership, trust, or association in control of the qualified company. As used in this
216 paragraph, "control of a qualified company" shall mean:

217 a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total
 218 combined voting power of all classes of stock entitled to vote in the case of a qualified company
 219 that is a corporation;

220 b. Ownership of at least fifty percent of the capital or profit interest in such qualified
 221 company if it is a partnership or association;

222 c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in
 223 the principal or income of such qualified company if it is a trust, and ownership shall be
 224 determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

225 (33) "Related facility", a facility operated by the qualified company or a related company
 226 located in this state that is directly related to the operations of the project facility or in which
 227 operations substantially similar to the operations of the project facility are performed;

228 (34) "Related facility base employment", the greater of the number of full-time
 229 employees located at all related facilities on the date of the notice of intent or, for the
 230 twelve-month period prior to the date of the notice of intent, the average number of full-time
 231 employees located at all related facilities of the qualified company or a related company located
 232 in this state;

233 (35) "Related facility base payroll", the annualized payroll of the related facility base
 234 payroll or the total amount of taxable wages paid by the qualified company to full-time
 235 employees of the qualified company located at a related facility in the twelve months prior to the
 236 filing of the notice of intent. For purposes of calculating the benefits under this program, the
 237 amount of related facility base payroll shall increase each year based on an appropriate measure,
 238 as determined by the department;

239 (36) "Rural area", a county in Missouri with a population less than seventy-five thousand
 240 or that does not contain an individual city with a population greater than fifty thousand according
 241 to the most recent federal decennial census;

242 (37) "Tax credits", tax credits issued by the department to offset the state taxes imposed
 243 by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

244 (38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For
 245 purposes of this program, the withholding tax shall be computed using a schedule as determined
 246 by the department based on average wages.

247 2. This section is subject to the provisions of section 196.1127.

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 to 144.1015, the following~~
 3 ~~terms shall 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~~
 18 ~~property or 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.]~~
 21

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~~
 delivered to the governor, the secretary of state, the president pro tempore of the

7 ~~senate and the speaker of the house of representatives and shall simultaneously~~
 8 ~~be made publicly available by the secretary of state to any person requesting a~~
 9 ~~copy.]~~

10

2 ~~[144.1012. Unless five of the seven delegates agree, the delegates shall~~
~~not enter into or vote for any streamlined sales and use tax agreement that:~~

3 ~~(1) Requires adoption of a definition of any term that would cause any~~
 4 ~~item or transaction that is now excluded or exempted from sales or use tax to~~
 5 ~~become subject to sales or use tax;~~

6 ~~(2) Requires the state of Missouri to fully exempt or fully apply sales~~
 7 ~~taxes to the sale of food or any other item;~~

8 ~~(3) Restricts the ability of local governments under statutes in effect on~~
 9 ~~August 28, 2002, to enact one or more local taxes on one or more items without~~
 10 ~~application of the tax to all sales within the taxing jurisdiction, however,~~
 11 ~~restriction of any such taxes allowed by statutes effective after August 28, 2002,~~
 12 ~~may be supported;~~

13 ~~(4) Provides for adoption of any uniform rate structure that would result~~
 14 ~~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:~~

~~(a) Restricting variances between the state and local tax bases;~~

- 20 ~~_____ (b) Requiring states to administer any sales and use taxes levied by local~~
 21 ~~jurisdictions within the state so that sellers collecting and remitting these taxes~~
 22 ~~will not have to register or file returns with, remit funds to, or be subject to~~
 23 ~~independent audits from local taxing jurisdictions;~~
- 24 ~~_____ (c) Restricting the frequency of changes in the local sales and use tax~~
 25 ~~rates and setting effective dates for the application of local jurisdictional~~
 26 ~~boundary changes to local sales and use taxes; and~~
- 27 ~~_____ (d) Providing notice of changes in local sales and use tax rates and of~~
 28 ~~changes in the boundaries of local taxing jurisdictions;~~
- 29 ~~_____ (6) The agreement should outline any monetary allowances that are to be~~
 30 ~~provided by the states to sellers or certified service providers. The agreement~~
 31 ~~must allow for a joint public and private sector study of the compliance cost on~~
 32 ~~sellers and certified service providers to collect sales and use taxes for state and~~
 33 ~~local governments under various levels of complexity to be completed by July 1,~~
 34 ~~2003;~~
- 35 ~~_____ (7) The agreement should require each state to certify compliance with~~
 36 ~~the terms of the agreement prior to joining and to maintain compliance, under the~~
 37 ~~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.]~~
 46

Section B. Notwithstanding the provisions of section 1.140 to the contrary, the
 2 provisions of Section A of this act shall be nonseverable, and if any provision is for any reason
 3 held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

Section C. Because immediate action is necessary to protect the interests of taxpayers
 2 during the COVID-19 pandemic, sections 143.121 and 143.171 of section A of this act is deemed
 3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
 4 hereby declared to be an emergency act within the meaning of the constitution, and sections
 5 143.121 and 143.171 of section A of this act shall be in full force and effect upon its passage and
 6 approval.

✓