

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 738
98TH GENERAL ASSEMBLY

4904H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 66.620, 100.710, and 143.1016, RSMo, and to enact in lieu thereof five new sections relating to taxation.

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

Section A. Sections 66.620, 100.710, and 143.1016, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 66.620, 94.860, 100.710, 143.1016, and 1, to read as follows:

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

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county

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.

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

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

51 4. From [and after] January 1, 1994, **until December 31, 2016**, the director of revenue
52 shall distribute to the cities, towns and villages in group A a portion of the taxes based on the
53 location in which the sales were deemed consummated under section 66.630 and subsection 12

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

68 **5. (1) From and after January 1, 2017, in each year in which the total revenues**
69 **from the county sales tax collected under sections 66.600 to 66.630 in the previous calendar**
70 **year is less than or equal to the amount of such revenues which were collected in the**
71 **calendar year 2014, the director of revenue shall distribute to the cities, towns, and villages**
72 **in group A and the cities, towns, and villages, and the county in group B, the amounts**
73 **required to be distributed under the formula described in subsection 4 and in subsection**
74 **6 of this section. From and after January 1, 2017, in each year in which the total revenues**
75 **from the county sales tax collected under sections 66.600 to 66.630 in the previous calendar**
76 **year is greater than the amount of such revenues which were collected in the calendar year**
77 **2014, the director of revenue shall distribute to the cities, towns, and villages in group A**
78 **a portion of the taxes based on the location in which the sales were deemed consummated**
79 **under section 66.630 and subsection 12 of section 32.087, in accordance with the formula**
80 **described in this subsection and in subsection 6. After deducting the distribution to the**
81 **cities, towns, and villages in group A, the director of revenue shall, subject to the limitation**
82 **described in subdivision (2) of this subsection, distribute funds in the county sales tax trust**
83 **fund to the cities, towns, and villages, and the county in group B as follows: to the county**
84 **which levied the tax, ten percent multiplied by the percentage of the population of**
85 **unincorporated county which has been annexed or incorporated since April 1, 1993,**
86 **multiplied by the total of all sales tax revenues countywide, and a percentage of the**
87 **remaining distributable revenue equal to the percentage ratio that the population of**
88 **unincorporated areas of the county bears to the total population of group B as adjusted**
89 **such that no city, town, or village in group B shall receive a distribution that is less than**

90 fifty percent of the amount of taxes generated within such city, town, or village based on
91 the location in which the sales were deemed consummated under section 66.630 and
92 subsection 12 of section 32.087; and to each city, town, or village in group B located wholly
93 within the taxing county, a percentage of the remaining distributable revenue equal to the
94 percentage ratio that the population of such city, town, or village bears to the total
95 population of group B, as adjusted such that no city, town, or village in group B shall
96 receive a distribution that is less than fifty percent of the amount of taxes generated within
97 such city, town, or village based on the location in which the sales were deemed
98 consummated under section 66.630 and subsection 12 of section 32.087; and to each city,
99 town, or village located partly within the taxing county, a percentage of the remaining
100 distributable revenue equal to the percentage ratio that the population of that part of the
101 city, town, or village located within the taxing county bears to the total population of group
102 B, as adjusted such that no city, town, or village in group B shall receive a distribution that
103 is less than fifty percent of the amount of taxes generated within such city, town, or village
104 based on the location in which the sales were deemed consummated under section 66.630
105 and subsection 12 of section 32.087.

106 (2) For purposes of making any adjustment required by this subsection, the
107 director of revenue shall, prior to any distribution to the county or to each city, town, or
108 village in group B located wholly or partly within the taxing county, identify each city,
109 town, or village in group B located wholly or partly within the taxing county that would
110 receive a distribution that is less than fifty percent of the amount of taxes generated within
111 such city, town, or village based on the location in which the sales were deemed
112 consummated under section 66.630 and subsection 12 of section 32.087 if no adjustments
113 were made and calculate the difference between the amount that the distribution to each
114 such city, town, or village would have been without any adjustment and the amount that
115 equals fifty percent of the amount of taxes generated within such city, town, or village
116 based on the location in which the sales were deemed consummated under section 66.630
117 and subsection 12 of section 32.087. Thereafter, the director of revenue shall determine the
118 amount of any adjustment under this subsection as follows:

119 (a) If the aggregate amount of the difference calculated in accordance with this
120 subsection is less than or equal to the aggregate increase in the remaining distributable
121 revenue for the applicable period in the current calendar year over the remaining
122 distributable revenue for the corresponding period in the calendar year 2014, the director
123 of revenue shall deduct the amount of such difference from the remaining distributable
124 revenue and distribute an allocable portion of the amount of such difference to each city,
125 town, or village that would otherwise have received a distribution that is less than fifty

126 percent of the amount of taxes generated within such city, town, or village based on the
127 location in which the sales were deemed consummated under section 66.630 and subsection
128 12 of section 32.087 if no adjustment were made, such that each such city, town, or village
129 receives a distribution that is equal to fifty percent of the amount of taxes generated within
130 such city, town, or village based on the location in which the sales were deemed
131 consummated under section 66.630 and subsection 12 of section 32.087;

132 (b) If, however, the aggregate amount of the difference calculated in accordance
133 with this subsection is greater than the aggregate increase in the remaining distributable
134 revenue for the applicable period in the current calendar year over the remaining
135 distributable revenue for the corresponding period in the calendar year 2014, the director
136 of revenue shall deduct from the remaining distributable revenue an amount equal to the
137 difference between the remaining distributable revenue for the applicable period in the
138 current calendar year and the remaining distributable revenue for the corresponding
139 period in the calendar year 2014 and distribute an allocable portion of the amount of such
140 difference to each city, town, or village that would otherwise have received a distribution
141 that is less than fifty percent of the amount of taxes generated within such city, town, or
142 village based on the location in which the sales were deemed consummated under section
143 66.630 and subsection 12 of section 32.087 if no adjustment were made, such that each such
144 city, town, or village receives a distribution that includes an adjustment that is
145 proportionate to the amount of the adjustment that would otherwise have been made if
146 such adjustment were calculated in accordance with paragraph (a) of this subsection;

147 (c) After determining the amount of the adjustment and making the allocation in
148 accordance with paragraph (a) or (b) of this subsection, as applicable, the director of
149 revenue shall thereafter distribute the remaining distributable revenue, as adjusted, to the
150 county and to each city, town, or village in group B located wholly or partly within the
151 taxing county in the manner provided in this subsection.

152 (3) For purposes of this subsection, if a city, town, or village is partly in group A
153 and partly in group B, the director of revenue shall calculate fifty percent of the amount
154 of taxes generated within such city, town, or village based on the location in which the sales
155 were deemed consummated under section 66.630 and subsection 12 of section 32.087 by
156 multiplying fifty percent by the amount of all county sales taxes collected by the director
157 of revenue under sections 66.600 to 66.630, less one percent for cost of collection, that are
158 generated within such city, town, or village based on the location in which the sales were
159 deemed consummated under section 66.630 and subsection 12 of section 32.087, regardless
160 of whether such taxes are deemed consummated in group A or group B.

161 **6.** (1) For purposes of administering the distribution formula of [subsection] **subsections**
162 **4 and 5** of this section, the revenues arising each year from sales occurring within each group
163 A city, town or village shall be distributed as follows: Until such revenues reach the adjusted
164 county average, as hereinafter defined, there shall be distributed to the city, town or village all
165 of such revenues reduced by the percentage which is equal to ten percent multiplied by the
166 percentage of the population of unincorporated county which has been annexed or incorporated
167 after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall
168 be shared in accordance with the redistribution formula as defined in this subsection.

169 (2) For purposes of this subsection, the "adjusted county average" is the per capita
170 countywide average of all sales tax distributions during the prior calendar year reduced by the
171 percentage which is equal to ten percent multiplied by the percentage of the population of
172 unincorporated county which has been annexed or incorporated after April 1, 1993; the
173 "redistribution formula" is as follows: During 1994, each group A city, town and village shall
174 receive that portion of the revenues arising from sales occurring within the municipality that
175 remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising
176 from sales within the municipality multiplied by the percentage which is the sum of ten percent
177 multiplied by the percentage of the population of unincorporated county which has been annexed
178 or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product
179 of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
180 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
181 county average. During 1995, each group A city, town and village shall receive that portion of
182 the revenues arising from sales occurring within the municipality that remains after deducting
183 therefrom an amount equal to the cumulative sales tax revenues arising from sales within the
184 municipality multiplied by the percentage which is the sum of ten percent multiplied by the
185 percentage of the population of unincorporated county which has been annexed or incorporated
186 after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen
187 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
188 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
189 county average. From January 1, 1996, until January 1, 2000, each group A city, town and
190 village shall receive that portion of the revenues arising from sales occurring within the
191 municipality that remains after deducting therefrom an amount equal to the cumulative sales tax
192 revenues arising from sales within the municipality multiplied by the percentage which is the
193 sum of ten percent multiplied by the percentage of the population of unincorporated county
194 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than
195 zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035
196 multiplied by the total of cumulative per capita sales taxes arising from sales within the

197 municipality less the adjusted county average. From and after January 1, 2000, the distribution
198 formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply,
199 except that the percentage computed for sales arising within the municipalities shall be not less
200 than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county
201 average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the
202 adjusted county average by at least twenty-five percent.

203 (3) For purposes of applying the redistribution formula to a municipality which is partly
204 within the county levying the tax, the distribution shall be calculated alternately for the
205 municipality as a whole, except that the factor for annexed portion of the county shall not be
206 applied to the portion of the municipality which is not within the county levying the tax, and for
207 the portion of the municipality within the county levying the tax. Whichever calculation results
208 in the larger distribution to the municipality shall be used.

209 (4) Notwithstanding any other provision of this section, the fifty percent of additional
210 sales taxes as described in section 99.845 arising from economic activities within the area of a
211 redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865,
212 while tax increment financing remains in effect shall be deducted from all calculations of
213 countywide sales taxes, shall be distributed directly to the municipality involved, and shall be
214 disregarded in calculating the amounts distributed or distributable to the municipality. Further,
215 any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality
216 and any other political subdivision which provides for an appropriation of incremental sales tax
217 revenues to the special allocation fund of a tax increment financing project while tax increment
218 financing remains in effect shall continue to be in full force and effect and the sales taxes so
219 appropriated shall be deducted from all calculations of countywide sales taxes, shall be
220 distributed directly to the municipality involved, and shall be disregarded in calculating the
221 amounts distributed or distributable to the municipality. In addition, and notwithstanding any
222 other provision of this chapter to the contrary, economic development funds shall be distributed
223 in full to the municipality in which the sales producing them were deemed consummated.
224 Additionally, economic development funds shall be deducted from all calculations of countywide
225 sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the
226 municipality. As used in this subdivision, the term "economic development funds" means the
227 amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to
228 chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as
229 security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations
230 under any agreement authorized by chapter 100, entered into or adopted prior to September 1,
231 1993, between a municipality and another public body. The cumulative amount of economic

232 development funds allowed under this provision shall not exceed the total amount necessary to
233 amortize the obligations involved.

234 [6.] 7. If the qualified voters of any city, town or village vote to change or alter its
235 boundaries by annexing any unincorporated territory included in group B or if the qualified
236 voters of one or more city, town or village in group A and the qualified voters of one or more
237 city, town or village in group B vote to consolidate, the area annexed or the area consolidated
238 which had been a part of group B shall remain a part of group B after annexation or
239 consolidation. After the effective date of the annexation or consolidation, the annexing or
240 consolidated city, town or village shall receive a percentage of the group B distributable revenue
241 equal to the percentage ratio that the population of the annexed or consolidated area bears to the
242 total population of group B and such annexed area shall not be classified as unincorporated area
243 for determination of the percentage allocable to the county. If the qualified voters of any two or
244 more cities, towns or villages in group A each vote to consolidate such cities, towns or villages,
245 then such consolidated cities, towns or villages shall remain a part of group A. For the purpose
246 of sections 66.600 to 66.630, population shall be as determined by the last federal decennial
247 census or the latest census that determines the total population of the county and all political
248 subdivisions therein. For the purpose of calculating the adjustment based on the percentage of
249 unincorporated county population which is annexed after April 1, 1993, the accumulated
250 percentage immediately before each census shall be used as the new percentage base after such
251 census. After any annexation, incorporation or other municipal boundary change affecting the
252 unincorporated area of the county, the chief elected official of the county shall certify the new
253 population of the unincorporated area of the county and the percentage of the population which
254 has been annexed or incorporated since April 1, 1993, to the director of revenue. After the
255 adoption of the county sales tax ordinance, any city, town or village in group A may by adoption
256 of an ordinance by its governing body cease to be a part of group A and become a part of group
257 B. Within ten days after the adoption of the ordinance transferring the city, town or village from
258 one group to the other, the clerk of the transferring city, town or village shall forward to the
259 director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such
260 city as a part of its former group shall cease and as a part of its new group shall begin on the first
261 day of January of the year following notification to the director of revenue, provided such
262 notification is received by the director of revenue on or before the first day of July of the year in
263 which the transferring ordinance is adopted. If such notification is received by the director of
264 revenue after the first day of July of the year in which the transferring ordinance is adopted, then
265 distribution to such city as a part of its former group shall cease and as a part of its new group
266 shall begin the first day of July of the year following such notification to the director of revenue.

267 Once a group A city, town or village becomes a part of group B, such city may not transfer back
268 to group A.

269 [7.] 8. If any city, town or village shall hereafter change or alter its boundaries, the city
270 clerk of the municipality shall forward to the director of revenue, by registered mail, a certified
271 copy of the ordinance adding or detaching territory from the municipality. The ordinance shall
272 reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly
273 showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and
274 map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in
275 accordance with the provisions of this section on the effective date of the change of the
276 municipal boundary so that the proper percentage of group B distributable revenue is allocated
277 to the municipality in proportion to any annexed territory. If any area of the unincorporated
278 county elects to incorporate subsequent to the effective date of the county sales tax as set forth
279 in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group
280 B. The city clerk of such newly incorporated municipality shall forward to the director of
281 revenue, by registered mail, a certified copy of the incorporation election returns and a map of
282 the municipality clearly showing the boundaries thereof. The certified copy of the incorporation
283 election returns shall reflect the effective date of the incorporation. Upon receipt of the
284 incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be
285 distributed and allocated in accordance with the provisions of this section on the effective date
286 of the incorporation.

287 [8.] 9. The director of revenue may authorize the state treasurer to make refunds from
288 the amounts in the trust fund and credited to any county for erroneous payments and
289 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
290 such counties. If any county abolishes the tax, the county shall notify the director of revenue of
291 the action at least ninety days prior to the effective date of the repeal and the director of revenue
292 may order retention in the trust fund, for a period of one year, of two percent of the amount
293 collected after receipt of such notice to cover possible refunds or overpayment of the tax and to
294 redeem dishonored checks and drafts deposited to the credit of such accounts. After one year
295 has elapsed after the effective date of abolition of the tax in such county, the director of revenue
296 shall remit the balance in the account to the county and close the account of that county. The
297 director of revenue shall notify each county of each instance of any amount refunded or any
298 check redeemed from receipts due the county.

299 [9.] 10. Except as modified in sections 66.600 to 66.630, all provisions of sections
300 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

2 **94.860. 1. Notwithstanding the provisions of subsection 1 of section 67.582, the governing body of a charter county with a population of nine hundred fifty thousand or**

3 more is authorized to impose by ordinance a sales tax in the amount of up to one-half of
4 one percent on all retail sales made in the part of the county outside of incorporated cities,
5 towns, and villages which are subject to taxation under sections 144.010 to 144.525 for the
6 purpose of providing law enforcement services to such county.

7 The tax authorized by this section shall be in addition to any and all other sales taxes
8 allowed by law, except that no ordinance imposing a sales tax under this section shall be
9 effective unless the governing body of the county submits to the voters residing in the part
10 of the county outside of incorporated cities, towns, and villages, at a county or state
11 general, primary, or special election, a proposal to authorize the governing body of the
12 county to impose a tax.

13 2. The ballot submission for the proposal to authorize imposition of the tax
14 authorized by this section shall contain substantially the following language:

15 Shall (insert the name of the charter county) impose a sales tax of
16 (insert sales tax amount) in the part of (insert the name of the charter
17 county) outside of incorporated cities, towns, and villages for the purpose of providing law
18 enforcement services for the county?

19 YES NO

20
21 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
22 opposed to the question, place an "X" in the box opposite "NO".

23
24 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
25 favor of the proposal submitted pursuant to this subsection, then the ordinance and any
26 amendments thereto shall be in effect on the first day of the second quarter immediately
27 following the election approving the proposal. If a proposal receives less than the required
28 majority, then the governing body of the county shall have no power to impose the sales
29 tax herein authorized unless and until the governing body of the county shall again have
30 submitted another proposal to authorize the governing body of the county to impose the
31 sales tax authorized by this section and such proposal is approved by the required majority
32 of the qualified voters voting thereon. However, in no event shall a proposal under this
33 section be submitted sooner than thirty-six months from the date of the last proposal under
34 this section. If a majority of the voters fail to approve such proposal the second time
35 offered, then the governing body of the county shall have no power to impose the sales tax
36 authorized by this section or submit such proposal to the qualified voters a third time.

37 3. The revenue received by a county treasurer from the tax authorized under the
38 provisions of this section shall be deposited in a special trust fund and used solely for

39 providing law enforcement services in the part of the county outside of incorporated cities,
40 towns, and villages, for so long as the tax shall remain in effect. Revenue placed in the
41 special trust fund may also be utilized for capital improvement projects for law
42 enforcement facilities serving the part of the county outside of incorporated cities, towns,
43 and villages. Any funds in such special trust fund which are not needed for current
44 expenditures may be invested by the governing body in accordance with applicable laws
45 relating to the investment of other county funds.

46 4. The sales taxes collected by the director of revenue under this section on behalf
47 of a charter county with a population of nine hundred fifty thousand or more shall be
48 deposited in the "County Law Enforcement Sales Tax Trust Fund" created by subsection
49 5 of section 67.582, less one percent for cost of collection which shall be deposited in the
50 state's general revenue fund after payment of premiums for surety bonds as provided in
51 section 32.087. The moneys in the trust fund shall not be deemed to be state funds and
52 shall not be commingled with any funds of the state. The director of revenue shall keep
53 accurate records of the amount of money in the trusts and which were collected in each
54 county imposing a sales tax under this section, and the records shall be open to the
55 inspection of the officers of the county and the public. Not later than the tenth day of each
56 month the director of revenue shall distribute all moneys deposited in the trust fund during
57 each month to the county which levied the tax; such funds shall be deposited with the
58 county treasurer of each such county, and all expenditures of funds arising from the tax
59 authorized by this section shall be by an appropriation act to be enacted by the governing
60 body of each such county. Expenditures may be made from the funds for any functions
61 authorized in the ordinance adopted by the governing body submitting the tax to the
62 voters.

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

74 **director of revenue shall notify each county of each instance of any amount refunded or**
 75 **any check redeemed from the receipts due to the county.**

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

100.710. As used in sections 100.700 to 100.850, the following terms mean:

2 (1) "Assessment", an amount of up to five percent of the gross wages paid in one year
 3 by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic
 4 development project is located within a distressed community as defined in section 135.530;

5 (2) "Board", the Missouri development finance board as created by section 100.265;

6 (3) "Certificates", the revenue bonds or notes authorized to be issued by the board
 7 pursuant to section 100.840;

8 (4) "Credit", the amount agreed to between the board and an eligible industry, but not
 9 to exceed the assessment attributable to the eligible industry's project;

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

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

12 (7) "Economic development project":

13 (a) The acquisition of any real property by the board, the eligible industry, or its affiliate;

14 or

15 (b) The fee ownership of real property by the eligible industry or its affiliate; and

16 (c) For both paragraphs (a) and (b) of this subdivision, "economic development project"
 17 shall also include the development of the real property including construction, installation, or
 18 equipping of a project, including fixtures and equipment, and facilities necessary or desirable for
 19 improvement of the real property, including surveys; site tests and inspections; subsurface site
 20 work; excavation; removal of structures, roadways, cemeteries and other surface obstructions;
 21 filling, grading and provision of drainage, storm water retention, installation of utilities such as
 22 water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site
 23 construction of utility extensions to the boundaries of the real property; and the acquisition,
 24 installation, or equipping of facilities on the real property, for use and occupancy by the eligible
 25 industry or its affiliates;

26 (8) "Eligible employee", a person employed on a full-time basis in a new job at the
 27 economic development project averaging at least thirty-five hours per week who was not
 28 employed by the eligible industry or a related taxpayer in this state at any time during the twelve-
 29 month period immediately prior to being employed at the economic development project. For
 30 an essential industry, a person employed on a full-time basis in an existing job at the economic
 31 development project averaging at least thirty-five hours per week may be considered an eligible
 32 employee for the purposes of the program authorized by sections 100.700 to 100.850;

33 (9) "Eligible industry", a business located within the state of Missouri which is engaged
34 in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling
35 products, conducting research and development, or providing services in interstate commerce,
36 office industries, or agricultural processing, but excluding retail, health or professional services.
37 "Eligible industry" does not include a business which closes or substantially reduces its operation
38 at one location in the state and relocates substantially the same operation to another location in
39 the state. This does not prohibit a business from expanding its operations at another location in
40 the state provided that existing operations of a similar nature located within the state are not
41 closed or substantially reduced. This also does not prohibit a business from moving its operations
42 from one location in the state to another location in the state for the purpose of expanding such
43 operation provided that the board determines that such expansion cannot reasonably be
44 accommodated within the municipality in which such business is located, or in the case of a
45 business located in an incorporated area of the county, within the county in which such business
46 is located, after conferring with the chief elected official of such municipality or county and
47 taking into consideration any evidence offered by such municipality or county regarding the
48 ability to accommodate such expansion within such municipality or county. An eligible industry
49 must:

50 (a) Invest a minimum of fifteen million dollars, or ten million dollars for an office
51 industry, in an economic development project; and

52 (b) Create a minimum of one hundred new jobs for eligible employees at the economic
53 development project or a minimum of five hundred jobs if the economic development project
54 is an office industry or a minimum of two hundred new jobs if the economic development project
55 is an office industry located within a distressed community as defined in section 135.530, or in
56 the case of an approved company for a project for a world headquarters of a business whose
57 primary function is tax return preparation in any home rule city with more than four hundred
58 thousand inhabitants and located in more than one county, create a minimum of one hundred new
59 jobs for eligible employees at the economic development project. An industry that meets the
60 definition of "essential industry" may be considered an eligible industry for the purposes of the
61 program authorized by sections 100.700 to 100.850. Notwithstanding the preceding provisions
62 of this subdivision, a development agency, as such term is defined in subdivision (3) of section
63 100.255, or a corporation, limited liability company, or partnership formed on behalf of a
64 development agency, at the option of the board, may be authorized to act as an eligible industry
65 with such obligations and rights otherwise applicable to an eligible industry, including the rights
66 of an approved company under section 100.850, so long as the eligible industry otherwise meets
67 the requirements imposed by this subsection.

68

69 **A corporation, limited liability company, or partnership which is the owner of a building**
70 **that:**

71 **a. Is or will be certified as a "Net Zero Energy Building" as determined by the**
72 **International Living Future Institute, or is or will be certified as "LEED Platinum" as**
73 **determined by the U.S. Green Building Council;**

74 **b. Is located within a distressed community as defined in section 135.530; and**

75 **c. Includes as tenants one or more businesses that create two hundred new jobs**
76 **either individually or in the aggregate for eligible employees;**

77

78 **may be authorized to act as an eligible industry with such obligations and rights otherwise**
79 **applicable to an eligible industry, including the rights of an approved company under**
80 **section 100.850, so long as the eligible industry otherwise meets the requirements imposed**
81 **by this subsection;**

82 (10) "Essential industry", a business that otherwise meets the definition of eligible
83 industry except an essential industry shall:

84 (a) Be a targeted industry;

85 (b) Be located in a home rule city with more than twenty-six thousand but less than
86 twenty-seven thousand inhabitants located in any county with a charter form of government and
87 with more than one million inhabitants or in a city of the fourth classification with more than
88 four thousand three hundred but fewer than four thousand four hundred inhabitants and located
89 in any county with a charter form of government and with more than one million inhabitants;

90 (c) Have maintained at least two thousand jobs at the proposed economic development
91 project site each year for a period of four years preceding the year in which application for the
92 program authorized by sections 100.700 to 100.850 is made and during the year in which said
93 application is made;

94 (d) Retain, at the proposed economic development project site, the level of employment
95 that existed at the site in the taxable year immediately preceding the year in which application
96 for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level
97 of employment shall commence three years from the date of issuance of the certificates and
98 continue for the duration of the certificates; and

99 (e) Invest a minimum of five hundred million dollars in the economic development
100 project by the end of the third year after the issuance of the certificates under this program;

101 (11) "New job", a job in a new or expanding eligible industry not including jobs of
102 recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the
103 state. For an essential industry, an existing job may be considered a new job for the purposes of
104 the program authorized by sections 100.700 to 100.850;

105 (12) "Office industry", a regional, national or international headquarters, a
106 telecommunications operation, a computer operation, an insurance company, or a credit card
107 billing and processing center;

108 (13) "Program costs", all necessary and incidental costs of providing program services
109 including payment of the principal of premium, if any, and interest on certificates, including
110 capitalized interest, issued to finance a project, and funding and maintenance of a debt service
111 reserve fund to secure such certificates. Program costs shall include:

112 (a) Obligations incurred for labor and obligations incurred to contractors, subcontractors,
113 builders and materialmen in connection with the acquisition, construction, installation or
114 equipping of an economic development project;

115 (b) The cost of acquiring land or rights in land and any cost incidental thereto, including
116 recording fees;

117 (c) The cost of contract bonds and of insurance of all kinds that may be required or
118 necessary during the course of acquisition, construction, installation or equipping of an economic
119 development project which is not paid by the contractor or contractors or otherwise provided for;

120 (d) All costs of architectural and engineering services, including test borings, surveys,
121 estimates, plans and specifications, preliminary investigations and supervision of construction,
122 as well as the costs for the performance of all the duties required by or consequent upon the
123 acquisition, construction, installation or equipping of an economic development project;

124 (e) All costs which are required to be paid under the terms of any contract or contracts
125 for the acquisition, construction, installation or equipping of an economic development project;
126 and

127 (f) All other costs of a nature comparable to those described in this subdivision;

128 (14) "Program services", administrative expenses of the board, including contracted
129 professional services, and the cost of issuance of certificates;

130 (15) "Targeted industry", an industry or one of a cluster of industries that is identified
131 by the department as critical to the state's economic security and growth and affirmed as such by
132 the joint committee on economic development policy and planning established in section
133 620.602.

143.1016. 1. For all tax years beginning on or after January 1, 2011, each individual or
2 corporation entitled to a tax refund in an amount sufficient to make a designation under this
3 section may designate that two dollars or any amount in excess of two dollars on a single return,
4 and four dollars or any amount in excess of four dollars on a combined return, of the refund due
5 be credited to the organ donor program fund established in section 194.297. The contribution
6 designation authorized by this section shall be clearly and unambiguously printed on each
7 income tax return form provided by this state. If any individual that is not entitled to a tax refund

8 in an amount sufficient to make a designation under this section wishes to make a contribution
9 to the organ donor program fund, such individual may, by separate check, draft, or other
10 negotiable instrument, send in with the payment of taxes, or may send in separately, clearly
11 designated for the organ donor program fund, the amount the individual wishes to contribute.
12 The department of revenue shall deposit such amount to the organ donor program fund as
13 provided in subsection 2 of this section.

14 2. The director of revenue shall transfer at least monthly all contributions designated by
15 individuals under this section, less an amount sufficient to cover the cost of collecting and
16 handling by the department of revenue which shall not exceed five percent of the transferred
17 contributions, to the state treasurer for deposit in the state treasury to the credit of the organ
18 donor program fund. A contribution designated under this section shall only be transferred and
19 deposited in the organ donor program fund after all other claims against the refund from which
20 such contribution is to be made have been satisfied.

21 3. All moneys transferred to the fund shall be distributed as provided in this section and
22 sections 194.297 and 194.299.

23 [4. Under section 23.253 of the Missouri sunset act:

24 (1) The provisions of the new program authorized under this section shall automatically
25 sunset on December thirty-first six years after August 28, 2011, unless reauthorized by an act of
26 the general assembly; and

27 (2) If such program is reauthorized, the program authorized under this section shall
28 automatically sunset on December thirty-first twelve years after the effective date of the
29 reauthorization of this section; and

30 (3) This section shall terminate on September first of the calendar year immediately
31 following the calendar year in which the program authorized under this section is sunset.]

**Section 1. 1. Neither the state nor any entity therein shall be permitted to expand
2 their definition of residential rental property by further subdividing a parcel of residential
3 rental property when enforcing a rental licensing ordinance.**

**4 2. Neither the state nor any political subdivision thereof shall require or enforce an
5 occupancy permit and a business rental license simultaneously for the same parcel of
6 residential rental property.**

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