

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 365

AN ACT

To repeal sections 67.782, 67.1360, 94.834, 94.838, 137.073, 137.115, 137.280, 143.121, 143.171, 190.839, 198.439, 208.152, 208.437, 208.480, 288.132, 338.550, 620.1039, 620.2020, and 633.401, RSMo, and to enact in lieu thereof twenty-seven new sections relating to taxation, with an emergency clause for certain sections.

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

Section A. Sections 67.782, 67.1360, 94.834, 94.838, 2 137.073, 137.115, 137.280, 143.121, 143.171, 190.839, 198.439, 3 208.152, 208.437, 208.480, 288.132, 338.550, 620.1039, 4 620.2020, and 633.401, RSMo, are repealed and twenty-seven new 5 sections enacted in lieu thereof, to be known as sections 6 67.782, 67.1011, 67.1013, 67.1360, 94.834, 94.838, 94.842, 7 94.1014, 135.1610, 137.073, 137.115, 137.280, 143.121, 143.171, 8 190.839, 198.439, 208.152, 208.437, 208.480, 261.021, 288.132, 9 288.133, 338.550, 620.1039, 620.2020, 620.2250, and 633.401, to 10 read as follows:

67.782. 1. Any county of the third [class having a 2 population of more than ten thousand and less than fifteen 3 thousand] classification without a township form of 4 government and with more than twelve thousand but fewer than 5 fourteen thousand inhabitants and with a city of the fourth 6 classification with more than one thousand three hundred 7 fifty but fewer than one thousand five hundred inhabitants 8 as the county seat and any county of the [second class

9 having a population of more than fifty-eight thousand and
10 less than seventy thousand adjacent to such third class
11 county, both counties making up the same judicial circuit,]
12 first classification with more than seventy thousand but
13 fewer than eighty-three thousand inhabitants and with a city
14 of the fourth classification with more than thirteen
15 thousand five hundred but fewer than sixteen thousand
16 inhabitants as the county seat may [jointly] impose a sales
17 tax [throughout each of their respective counties] for
18 public recreational purposes including the financing,
19 acquisition, construction, operation and maintenance of
20 recreational projects and programs, but the sales taxes
21 authorized by this section shall not become effective unless
22 the governing body of [each] such county submits to the
23 voters [of their respective counties] a proposal to
24 authorize the [counties to impose the] sales tax.

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

27 Shall the County of _____ impose a sales tax of
28 _____ percent [in conjunction with the county
29 of _____] for the purpose of funding the
30 financing, acquisition, construction, operation
31 and maintenance of recreational projects and
32 programs, including the acquisition of land for
33 such purposes?

34 YES NO

35 If a [separate] majority of the votes cast on
36 the proposal by the qualified voters voting
37 thereon [in each county] are in favor of the
38 proposal, then the tax shall be in effect [in
39 both counties. If a majority of the votes cast
40 by the qualified voters voting thereon in either

41 county are opposed to the proposal, then the
42 governing body of neither county shall have
43 power to impose the sales tax authorized by this
44 section unless or until the governing body of
45 the county that has not approved the tax shall
46 again have submitted another proposal to
47 authorize the governing body to impose the tax,
48 and the proposal is approved by a majority of
49 the qualified voters voting thereon in that
50 county].

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

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

74 during the preceding month by distributing to the county
75 treasurer, or such other officer as may be designated by the
76 county ordinance or order, of each county imposing the tax
77 authorized by this section, the sum, as certified by the
78 director of revenue, due the county.

79 5. The director of revenue may authorize the state
80 treasurer to make refunds from the amounts in the trust fund
81 and credited to any county for erroneous payments and
82 overpayments made, and may redeem dishonored checks and
83 drafts deposited to the credit of such counties. Each
84 county shall notify the director of revenue at least ninety
85 days prior to the effective date of the expiration of the
86 sales tax authorized by this section and the director of
87 revenue may order retention in the trust fund, for a period
88 of one year, of two percent of the amount collected after
89 receipt of such notice to cover possible refunds or
90 overpayment of such tax and to redeem dishonored checks and
91 drafts deposited to the credit of such accounts. After one
92 year has elapsed after the date of expiration of the tax
93 authorized by this section in such county, the director of
94 revenue shall remit the balance in the account to the county
95 and close the account of that county. The director of
96 revenue shall notify each county of each instance of any
97 amount refunded or any check redeemed from receipts due the
98 county.

99 6. The tax authorized by this section may be imposed,
100 in accordance with this section, by a county in addition to
101 or in lieu of the tax authorized by sections 67.750 to
102 67.780.

103 7. Any county imposing a sales tax pursuant to the
104 provisions of this section may contract with the authority
105 of any other county or with any city or political
106 subdivision for the financing, acquisition, operation,

107 construction, maintenance, or utilization of any recreation
108 facility or project or program funded in whole or in part
109 from revenues derived from the tax levied pursuant to the
110 provisions of this section.

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

117 9. The governing body of each of the counties imposing
118 a sales tax under the provisions of this section may
119 cooperate with the governing body of any county or other
120 political subdivision of this state in carrying out the
121 provisions of this section, and may establish and conduct
122 jointly a system of public recreation. The respective
123 governing bodies administering programs jointly may provide
124 by agreement among themselves for all matters connected with
125 the programs and determine what items of cost and expense
126 shall be paid by each.

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

131 11. Except as modified in this section, all provisions
132 of sections 32.085 and 32.087 shall apply to the tax imposed
133 under this section.

67.1011. 1. The governing body of any city of the
2 third classification with more than four thousand but fewer
3 than four thousand five hundred inhabitants and located in
4 any county of the third classification with a township form
5 of government and with more than sixteen thousand but fewer

6 than eighteen thousand inhabitants may impose a tax as
7 provided in this section.

8 2. The governing body of any city described under
9 subsection 1 of this section may impose a tax on the charges
10 for all sleeping rooms paid by the transient guests of
11 hotels or motels situated in the city, which shall be no
12 more than six percent per occupied room per night. The tax
13 shall not become effective unless the governing body of the
14 city submits to the voters of the city at an election a
15 question to authorize the governing body of the city to
16 impose the tax. The tax shall be in addition to the charge
17 for the sleeping room and shall be in addition to any and
18 all other taxes. The tax shall be stated separately from
19 all other charges and taxes.

20 3. The question for the tax shall be in substantially
21 the following form:

22 Shall (city name) impose a tax on the
23 charges for all sleeping rooms paid by the
24 transient guests of hotels and motels situated
25 in (city name) at a rate of
26 percent?

27 YES NO

28 If a majority of the votes cast on the question by the
29 qualified voters voting thereon are in favor of the
30 question, the tax shall become effective on the first day of
31 the second calendar quarter following the calendar quarter
32 in which the election was held. If a majority of the votes
33 cast on the question by the qualified voters voting thereon
34 are opposed to the question, the tax shall not become
35 effective unless and until the question is resubmitted under
36 this section to the qualified voters and such question is

37 approved by a majority of the qualified voters voting
38 thereon.

39 4. As used in this section, "transient guests" means a
40 person or persons who occupy a room or rooms in a hotel or
41 motel for thirty-one days or less during any calendar
42 quarter.

67.1013. 1. The governing body of any city of the
2 fourth classification with more than ten thousand but fewer
3 than eleven thousand four hundred inhabitants and located in
4 any county of the first classification with more than ninety-
5 two thousand but fewer than one hundred one thousand
6 inhabitants may impose a tax as provided in this section.

7 2. The governing body of any city described under
8 subsection 1 of this section may impose a tax on the charges
9 for all sleeping rooms paid by the transient guests of
10 hotels or motels situated in the city, which shall be no
11 more than six percent per occupied room per night. The tax
12 shall not become effective unless the governing body of the
13 city submits a question to the voters of the city at an
14 election to authorize the governing body of the city to
15 impose the tax and the voters approve the question. The tax
16 shall be in addition to the charge for the sleeping room and
17 shall be in addition to any and all other taxes. The tax
18 shall be stated separately from all other charges and taxes.

19 3. The question for the tax shall be in substantially
20 the following form:

21 Shall (city name) impose a tax on the
22 charges for all sleeping rooms paid by the
23 transient guests of hotels and motels situated
24 in (city name) at a rate of
25 percent?

26 YES

NO

27 If a majority of the votes cast on the question by the
28 qualified voters voting thereon are in favor of the
29 question, the tax shall become effective on the first day of
30 the second calendar quarter following the calendar quarter
31 in which the election was held. If a majority of the votes
32 cast on the question by the qualified voters voting thereon
33 are opposed to the question, the tax shall not become
34 effective unless and until the question is resubmitted under
35 this section to the qualified voters and such question is
36 approved by a majority of the qualified voters voting
37 thereon.

38 4. As used in this section, "transient guests" means a
39 person or persons who occupy a room or rooms in a hotel or
40 motel for thirty-one days or less during any calendar
41 quarter.

67.1360. 1. The governing body of the following
2 cities and counties may impose a tax as provided in this
3 section:

4 (1) A city with a population of more than seven
5 thousand and less than seven thousand five hundred;

6 (2) A county with a population of over nine thousand
7 six hundred and less than twelve thousand which has a total
8 assessed valuation of at least sixty-three million dollars,
9 if the county submits the issue to the voters of such county
10 prior to January 1, 2003;

11 (3) A third class city which is the county seat of a
12 county of the third classification without a township form
13 of government with a population of at least twenty-five
14 thousand but not more than thirty thousand inhabitants;

15 (4) Any fourth class city having, according to the
16 last federal decennial census, a population of more than one
17 thousand eight hundred fifty inhabitants but less than one
18 thousand nine hundred fifty inhabitants in a county of the

19 first classification with a charter form of government and
20 having a population of greater than six hundred thousand but
21 less than nine hundred thousand inhabitants;

22 (5) Any city having a population of more than three
23 thousand but less than eight thousand inhabitants in a
24 county of the fourth classification having a population of
25 greater than forty-eight thousand inhabitants;

26 (6) Any city having a population of less than two
27 hundred fifty inhabitants in a county of the fourth
28 classification having a population of greater than forty-
29 eight thousand inhabitants;

30 (7) Any fourth class city having a population of more
31 than two thousand five hundred but less than three thousand
32 inhabitants in a county of the third classification having a
33 population of more than twenty-five thousand but less than
34 twenty-seven thousand inhabitants;

35 (8) Any third class city with a population of more
36 than three thousand two hundred but less than three thousand
37 three hundred located in a county of the third
38 classification having a population of more than thirty-five
39 thousand but less than thirty-six thousand;

40 (9) Any county of the second classification without a
41 township form of government and a population of less than
42 thirty thousand;

43 (10) Any city of the fourth class in a county of the
44 second classification without a township form of government
45 and a population of less than thirty thousand;

46 (11) Any county of the third classification with a
47 township form of government and a population of at least
48 twenty-eight thousand but not more than thirty thousand;

49 (12) Any city of the fourth class with a population of
50 more than one thousand eight hundred but less than two
51 thousand in a county of the third classification with a

52 township form of government and a population of at least
53 twenty-eight thousand but not more than thirty thousand;

54 (13) Any city of the third class with a population of
55 more than seven thousand two hundred but less than seven
56 thousand five hundred within a county of the third
57 classification with a population of more than twenty-one
58 thousand but less than twenty-three thousand;

59 (14) Any fourth class city having a population of more
60 than two thousand eight hundred but less than three thousand
61 one hundred inhabitants in a county of the third
62 classification with a township form of government having a
63 population of more than eight thousand four hundred but less
64 than nine thousand inhabitants;

65 (15) Any fourth class city with a population of more
66 than four hundred seventy but less than five hundred twenty
67 inhabitants located in a county of the third classification
68 with a population of more than fifteen thousand nine hundred
69 but less than sixteen thousand inhabitants;

70 (16) Any third class city with a population of more
71 than three thousand eight hundred but less than four
72 thousand inhabitants located in a county of the third
73 classification with a population of more than fifteen
74 thousand nine hundred but less than sixteen thousand
75 inhabitants;

76 (17) Any fourth class city with a population of more
77 than four thousand three hundred but less than four thousand
78 five hundred inhabitants located in a county of the third
79 classification without a township form of government with a
80 population greater than sixteen thousand but less than
81 sixteen thousand two hundred inhabitants;

82 (18) Any fourth class city with a population of more
83 than two thousand four hundred but less than two thousand
84 six hundred inhabitants located in a county of the first

85 classification without a charter form of government with a
86 population of more than fifty-five thousand but less than
87 sixty thousand inhabitants;

88 (19) Any fourth class city with a population of more
89 than two thousand five hundred but less than two thousand
90 six hundred inhabitants located in a county of the third
91 classification with a population of more than nineteen
92 thousand one hundred but less than nineteen thousand two
93 hundred inhabitants;

94 (20) Any county of the third classification without a
95 township form of government with a population greater than
96 sixteen thousand but less than sixteen thousand two hundred
97 inhabitants;

98 (21) Any county of the second classification with a
99 population of more than forty-four thousand but less than
100 fifty thousand inhabitants;

101 (22) Any third class city with a population of more
102 than nine thousand five hundred but less than nine thousand
103 seven hundred inhabitants located in a county of the first
104 classification without a charter form of government and with
105 a population of more than one hundred ninety-eight thousand
106 but less than one hundred ninety-eight thousand two hundred
107 inhabitants;

108 (23) Any city of the fourth classification with more
109 than five thousand two hundred but less than five thousand
110 three hundred inhabitants located in a county of the third
111 classification without a township form of government and
112 with more than twenty-four thousand five hundred but less
113 than twenty-four thousand six hundred inhabitants;

114 (24) Any third class city with a population of more
115 than nineteen thousand nine hundred but less than twenty
116 thousand in a county of the first classification without a
117 charter form of government and with a population of more

118 than one hundred ninety-eight thousand but less than one
119 hundred ninety-eight thousand two hundred inhabitants;

120 (25) Any city of the fourth classification with more
121 than two thousand six hundred but less than two thousand
122 seven hundred inhabitants located in any county of the third
123 classification without a township form of government and
124 with more than fifteen thousand three hundred but less than
125 fifteen thousand four hundred inhabitants;

126 (26) Any county of the third classification without a
127 township form of government and with more than fourteen
128 thousand nine hundred but less than fifteen thousand
129 inhabitants;

130 (27) Any city of the fourth classification with more
131 than five thousand four hundred but fewer than five thousand
132 five hundred inhabitants and located in more than one county;

133 (28) Any city of the fourth classification with more
134 than six thousand three hundred but fewer than six thousand
135 five hundred inhabitants and located in more than one county
136 through the creation of a tourism district which may
137 include, in addition to the geographic area of such city,
138 the area encompassed by the portion of the school district,
139 located within a county of the first classification with
140 more than ninety-three thousand eight hundred but fewer than
141 ninety-three thousand nine hundred inhabitants, having an
142 average daily attendance for school year 2005-06 between one
143 thousand eight hundred and one thousand nine hundred;

144 (29) Any city of the fourth classification with more
145 than seven thousand seven hundred but less than seven
146 thousand eight hundred inhabitants located in a county of
147 the first classification with more than ninety-three
148 thousand eight hundred but less than ninety-three thousand
149 nine hundred inhabitants;

150 (30) Any city of the fourth classification with more
151 than two thousand nine hundred but less than three thousand
152 inhabitants located in a county of the first classification
153 with more than seventy-three thousand seven hundred but less
154 than seventy-three thousand eight hundred inhabitants;

155 (31) Any city of the third classification with more
156 than nine thousand three hundred but less than nine thousand
157 four hundred inhabitants;

158 (32) Any city of the fourth classification with more
159 than three thousand eight hundred but fewer than three
160 thousand nine hundred inhabitants and located in any county
161 of the first classification with more than thirty-nine
162 thousand seven hundred but fewer than thirty-nine thousand
163 eight hundred inhabitants;

164 (33) Any city of the fourth classification with more
165 than one thousand eight hundred but fewer than one thousand
166 nine hundred inhabitants and located in any county of the
167 first classification with more than one hundred thirty-five
168 thousand four hundred but fewer than one hundred thirty-five
169 thousand five hundred inhabitants;

170 (34) Any county of the third classification without a
171 township form of government and with more than twelve
172 thousand one hundred but fewer than twelve thousand two
173 hundred inhabitants;

174 (35) Any city of the fourth classification with more
175 than three thousand eight hundred but fewer than four
176 thousand inhabitants and located in more than one county;
177 provided, however, that motels owned by not-for-profit
178 organizations are exempt;

179 (36) Any city of the fourth classification with more
180 than five thousand but fewer than five thousand five hundred
181 inhabitants and located in any county with a charter form of

182 government and with more than two hundred thousand but fewer
183 than three hundred fifty thousand inhabitants; [or]

184 (37) Any city with more than four thousand but fewer
185 than five thousand five hundred inhabitants and located in
186 any county of the fourth classification with more than
187 thirty thousand but fewer than forty-two thousand
188 inhabitants;

189 (38) Any city of the third classification with more
190 than nine thousand but fewer than ten thousand inhabitants
191 and located in more than one county; or

192 (39) Any city of the third classification with more
193 than two thousand one hundred but fewer than two thousand
194 four hundred inhabitants and partially located in any county
195 of the third classification with a township form of
196 government and with more than twelve thousand but fewer than
197 fourteen thousand inhabitants.

198 2. The governing body of any city or county listed in
199 subsection 1 of this section may impose a tax on the charges
200 for all sleeping rooms paid by the transient guests of
201 hotels, motels, bed and breakfast inns, and campgrounds and
202 any docking facility that rents slips to recreational boats
203 that are used by transients for sleeping, which shall be at
204 least two percent but not more than five percent per
205 occupied room per night, except that such tax shall not
206 become effective unless the governing body of the city or
207 county submits to the voters of the city or county at a
208 state general, primary, or special election, a proposal to
209 authorize the governing body of the city or county to impose
210 a tax pursuant to the provisions of this section and section
211 67.1362. The tax authorized by this section and section
212 67.1362 shall be in addition to any charge paid to the owner
213 or operator and shall be in addition to any and all taxes
214 imposed by law and the proceeds of such tax shall be used by

215 the city or county solely for funding the promotion of
216 tourism. Such tax shall be stated separately from all other
217 charges and taxes.

94.834. 1. The governing body of any city of the
2 third classification with more than twelve thousand four
3 hundred but less than twelve thousand five hundred
4 inhabitants, the governing body of any city of the fourth
5 classification with more than two thousand three hundred but
6 less than two thousand four hundred inhabitants and located
7 in any county of the fourth classification with more than
8 thirty-two thousand nine hundred but less than thirty-three
9 thousand inhabitants, [and] the governing body of any city
10 of the fourth classification with more than one thousand six
11 hundred but less than one thousand seven hundred inhabitants
12 and located in any county of the fourth classification with
13 more than twenty-three thousand seven hundred but less than
14 twenty-three thousand eight hundred inhabitants, and the
15 governing body of any city of the fourth classification with
16 more than eight thousand but fewer than nine thousand
17 inhabitants and located partially in any county of the first
18 classification with more than two hundred thousand but fewer
19 than two hundred sixty thousand inhabitants and partially in
20 any county of the first classification with more than eighty-
21 three thousand but fewer than ninety-two thousand
22 inhabitants and with a city of the fourth classification
23 with more than four thousand five hundred but fewer than
24 five thousand inhabitants as the county seat may impose a
25 tax on the charges for all sleeping rooms paid by the
26 transient guests of hotels or motels situated in the city or
27 a portion thereof, which shall be not more than five percent
28 per occupied room per night, except that such tax shall not
29 become effective unless the governing body of the city
30 submits to the voters of the city at a state general or

31 primary election a proposal to authorize the governing body
32 of the city to impose a tax pursuant to this section. The
33 tax authorized in this section shall be in addition to the
34 charge for the sleeping room and all other taxes imposed by
35 law, and the proceeds of such tax shall be used by the city
36 solely for the promotion of tourism. Such tax shall be
37 stated separately from all other charges and taxes.

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

40 Shall _ (insert the name of the city) impose a
41 tax on the charges for all sleeping rooms paid
42 by the transient guests of hotels and motels
43 situated in _ (name of city) at a rate of _
44 (insert rate of percent) percent for the sole
45 purpose of promoting tourism?

46 YES NO

47 If a majority of the votes cast on the question by the
48 qualified voters voting thereon are in favor of the
49 question, then the tax shall become effective on the first
50 day of the second calendar quarter following the calendar
51 quarter in which the election was held. If a majority of
52 the votes cast on the question by the qualified voters
53 voting thereon are opposed to the question, then the tax
54 authorized by this section shall not become effective unless
55 and until the question is resubmitted pursuant to this
56 section to the qualified voters of the city and such
57 question is approved by a majority of the qualified voters
58 of the city voting on the question.

59 3. As used in this section, "transient guests" means a
60 person or persons who occupy a room or rooms in a hotel or

61 motel for thirty-one days or less during any calendar
62 quarter.

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

3 (1) "Food", all articles commonly used for food or
4 drink, including alcoholic beverages, the provisions of
5 chapter 311 notwithstanding;

6 (2) "Food establishment", any café, cafeteria,
7 lunchroom, or restaurant which sells food at retail;

8 (3) "Municipality", any [village or fourth class city
9 with more than two hundred but less than three hundred
10 inhabitants and located in any county of the third
11 classification with a township form of government and with
12 more than twelve thousand five hundred but less than twelve
13 thousand six hundred inhabitants] city of the fourth class
14 with more than one hundred sixty but fewer than one hundred
15 eighty inhabitants and located in any county of the third
16 classification with a township form of government and with
17 more than twelve thousand but fewer than fourteen thousand
18 inhabitants and with a city of the fourth classification
19 with more than four thousand five hundred but fewer than
20 five thousand inhabitants as the county seat;

21 (4) "Transient guest", a person or persons who occupy
22 a room or rooms in a hotel or motel for thirty-one days or
23 less during any calendar quarter.

24 2. The governing body of any municipality may impose,
25 by order or ordinance:

26 (1) A tax, not to exceed six percent per room per
27 night, on the charges for all sleeping rooms paid by the
28 transient guests of hotels or motels situated in the
29 municipality or a portion thereof; and

30 (2) A tax, not to exceed [two] six percent, on the
31 gross receipts derived from the retail sales of food by

32 every person operating a food establishment in the
33 municipality.

34 The taxes shall be imposed solely for [the purpose of
35 funding the construction, maintenance, and operation of
36 capital improvements] general revenue purposes. The order
37 or ordinance shall not become effective unless the governing
38 body of the municipality submits to the voters of the
39 municipality at a state general or primary election a
40 proposal to authorize the governing body of the municipality
41 to impose taxes under this section. The taxes authorized in
42 this section shall be in addition to the charge for the
43 sleeping room, the retail sales of food at a food
44 establishment, and all other taxes imposed by law, and shall
45 be stated separately from all other charges and taxes.

46 3. The ballot of submission for the taxes authorized
47 in this section shall be in substantially the following form:

48 Shall _____ (insert the name of the
49 municipality) impose a tax on the charges for
50 all retail sales of food at a food establishment
51 situated in _____ (name of municipality) at a
52 rate of _____ (insert rate of percent) percent,
53 and for all sleeping rooms paid by the transient
54 guests of hotels and motels situated in _____
55 (name of municipality) at a rate of _____
56 (insert rate of percent) percent, solely for the
57 purpose of [funding the construction,
58 maintenance, and operation of capital
59 improvements] increasing general revenue funds?

60 YES NO

61 If a majority of the votes cast on the question by the
62 qualified voters voting thereon are in favor of the

63 question, then the taxes shall become effective on the first
64 day of the second calendar quarter after the director of
65 revenue receives notice of the adoption of the taxes. If a
66 majority of the votes cast on the question by the qualified
67 voters voting thereon are opposed to the question, then the
68 taxes shall not become effective unless and until the
69 question is resubmitted under this section to the qualified
70 voters and such question is approved by a majority of the
71 qualified voters voting on the question.

72 4. Any tax on the retail sales of food imposed under
73 this section shall be administered, collected, enforced, and
74 operated as required in section 32.087, and any transient
75 guest tax imposed under this section shall be administered,
76 collected, enforced, and operated by the municipality
77 imposing the tax. All revenue generated by the tax shall be
78 deposited in a special trust fund and shall be used solely
79 for the designated purposes. If the tax is repealed, all
80 funds remaining in the special trust fund shall continue to
81 be used solely for the designated purposes. Any funds in
82 the special trust fund which are not needed for current
83 expenditures may be invested in the same manner as other
84 funds are invested. Any interest and moneys earned on such
85 investments shall be credited to the fund.

86 5. Once the initial bonds, if any, have been
87 satisfied, then the governing body of any municipality that
88 has adopted the taxes authorized in this section may submit
89 the question of repeal of the taxes to the voters on any
90 date available for elections for the municipality. The
91 ballot of submission shall be in substantially the following
92 form:

93 Shall _____ (insert the name of the
94 municipality) repeal the taxes imposed at the
95 rates of _____ (insert rate of percent) and

96 _____ (insert rate of percent) percent for the
97 purpose of [funding the construction,
98 maintenance, and operation of capital
99 improvements] increasing general revenue funds?

100 YES NO

101 If a majority of the votes cast on the proposal are in favor
102 of repeal, that repeal shall become effective on December
103 thirty-first of the calendar year in which such repeal was
104 approved. If a majority of the votes cast on the question
105 by the qualified voters voting thereon are opposed to the
106 repeal, then the tax authorized in this section shall remain
107 effective until the question is resubmitted under this
108 section to the qualified voters, and the repeal is approved
109 by a majority of the qualified voters voting on the question.

110 6. Once the initial bonds, if any, have been
111 satisfied, then, whenever the governing body of any
112 municipality that has adopted the taxes authorized in this
113 section receives a petition, signed by ten percent of the
114 registered voters of the municipality voting in the last
115 gubernatorial election, calling for an election to repeal
116 the taxes imposed under this section, the governing body
117 shall submit to the voters of the municipality a proposal to
118 repeal the taxes. If a majority of the votes cast on the
119 question by the qualified voters voting thereon are in favor
120 of the repeal, that repeal shall become effective on
121 December thirty-first of the calendar year in which such
122 repeal was approved. If a majority of the votes cast on the
123 question by the qualified voters voting thereon are opposed
124 to the repeal, then the tax shall remain effective until the
125 question is resubmitted under this section to the qualified

126 voters and the repeal is approved by a majority of the
127 qualified voters voting on the question.

128 94.842. 1. The governing body of any home rule city
129 with more than one hundred fifty-five thousand but fewer
130 than two hundred thousand inhabitants may impose a tax on
131 the charges for all sleeping rooms paid by the transient
132 guests of hotels or motels situated in the city, which shall
133 not be more than two and one-half percent per occupied room
134 per night. Such tax shall only become effective if the
135 governing body of the city submits a proposal to the voters
136 of the city at a general election that authorizes the
137 governing body of the city to impose a tax under the
138 provisions of this section and the voters approve such
139 proposal. The tax authorized under this section shall be in
140 addition to the charge for a sleeping room and shall be in
141 addition to any and all taxes imposed by law. The revenue
142 of such tax shall be used solely for capital improvements
143 that can be demonstrated to increase the number of overnight
144 visitors. Such tax shall be stated separately from all
145 other charges and taxes.

146 2. The proposal shall be submitted in substantially
147 the following form:

148 Shall the city of _____ levy a tax of _____
149 percent on each sleeping room occupied and
150 rented by transient guests of hotels and motels
151 located in the city, whose revenue shall be
152 dedicated to capital improvements to increase
153 tourism?

154 YES NO

155 If a majority of the votes cast on the proposal by the
156 qualified voters voting thereon are in favor of the

30 proposal, the tax shall become effective on the first day of
31 the calendar quarter following the calendar quarter in which
32 the election is held. If a majority of the votes cast on
33 the proposal by the qualified voters voting thereon are
34 opposed to the proposal, the governing body for the city
35 shall have no power to impose the tax authorized by this
36 section unless and until the governing body of the city
37 again submits the proposal to the qualified voters of the
38 city and such proposal is approved by a majority of the
39 qualified voters voting thereon.

40 3. After the approval of a proposal but before the
41 effective date of a tax authorized under this section, the
42 city shall adopt one of the following provisions for the
43 collection and administration of the tax:

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

48 (2) The city may enter into an agreement with the
49 director of revenue for the purpose of collecting the tax
50 authorized under this section. If a city enters into an
51 agreement with the director of revenue for the collection of
52 the tax authorized in this section, the director shall
53 perform all functions incident to the administration,
54 collection, enforcement, and operation of such tax, and the
55 director of revenue shall collect the additional tax
56 authorized under this section. The tax authorized under
57 this section shall be collected and reported upon such forms
58 and under such administrative rules and regulations as may
59 be prescribed by the director of revenue, and the director
60 of revenue may retain up to one percent for cost of
61 collection.

62 4. The city shall post on the official city website
63 information about the tax including, but not limited to, the
64 rate imposed and the capital improvements for which the
65 revenue has been or will be used.

66 5. As used in this section, "transient guests" means a
67 person or persons who occupy a room or rooms in a hotel,
68 motel, or tourist court for less than thirty-one consecutive
69 days.

94.1014. 1. (1) The governing body of any city of
2 the fourth classification with more than three thousand
3 seven hundred but fewer than four thousand inhabitants and
4 located in any county of the first classification with more
5 than one hundred fifty thousand but fewer than two hundred
6 thousand inhabitants may impose a tax on the charges for all
7 sleeping rooms paid by the transient guests of hotels or
8 motels situated in the city or a portion thereof. The tax
9 shall not be more than five percent per occupied room per
10 night.

11 (2) The tax shall not become effective unless the
12 governing body of the city, on a general election day not
13 earlier than the 2022 general election, submits to the
14 voters of the city a proposal to authorize the city to
15 impose a tax under this section and the voters approve the
16 tax.

17 (3) The tax shall be in addition to the charge for the
18 sleeping room and all other taxes imposed by law. The tax
19 shall be stated separately from all other charges and taxes.

20 (4) The proceeds of the tax shall be used by the city
21 for the promotion of tourism; growth of the region; economic
22 development purposes; and public safety purposes including,
23 but not limited to, equipment expenditures, employee
24 salaries and benefits, and facilities for police,
25 firefighters, or emergency medical providers.

26 2. The ballot language for authorization of the tax
27 shall be in substantially the following form:

28 Shall (name of the city) impose a tax on
29 the charges for all sleeping rooms paid by the
30 transient guests of hotels and motels situated
31 in (name of the city) at a rate of
32 percent for the promotion of tourism, growth of
33 the region, economic development, and public
34 safety?

35 YES NO

36 If a majority of the votes cast on the proposal by qualified
37 voters approve the proposal, the tax shall become effective
38 on the first day of the second calendar quarter following
39 the election. If a majority of the votes cast on the
40 proposal by qualified voters oppose the proposal, the tax
41 shall not become effective unless and until the proposal is
42 again submitted to the voters of the city and is approved by
43 a majority of the qualified voters voting thereon.

44 3. The governing body of any city authorized to levy a
45 sales tax pursuant to this section shall include information
46 on the city's website on the tax rate and the purposes for
47 which the tax is levied.

48 4. As used in this section, "transient guest" means
49 any person who occupies a room or rooms in a hotel or motel
50 for thirty-one days or less during any calendar quarter.

135.1610. 1. As used in this section, the following
2 terms mean:

3 (1) "Eligible expenses", expenses incurred in the
4 construction or development of establishing an urban farm in
5 a food desert;

6 (2) "Food desert", a census tract that has a poverty
7 rate of at least twenty percent or a median family income of
8 less than eighty percent of the statewide average and where
9 at least five hundred people or thirty-three percent of the
10 population is located at least one-quarter mile away from a
11 full-service grocery store in an urban area;

12 (3) "Tax credit", a credit against the tax otherwise
13 due under chapter 143, excluding withholding tax imposed
14 under sections 143.191 to 143.265;

15 (4) "Taxpayer", any individual, partnership, or
16 corporation as described under section 143.441 or 143.471
17 that is subject to the tax imposed under chapter 143,
18 excluding withholding tax imposed under sections 143.191 to
19 143.265, or any charitable organization that is exempt from
20 federal income tax and whose Missouri unrelated business
21 taxable income, if any, would be subject to the state income
22 tax imposed under chapter 143;

23 (5) "Urban area", an urban place as designated by the
24 United States Census Bureau;

25 (6) "Urban farm", an agricultural plot or facility in
26 an urban area that produces agricultural products, as that
27 term is defined in section 262.900. "Urban farm" shall
28 include, but not be limited to, community-run gardens.

29 2. For all tax years beginning on or after January 1,
30 2022, a taxpayer shall be allowed to claim a tax credit
31 against the taxpayer's state tax liability in an amount
32 equal to fifty percent of the taxpayer's eligible expenses
33 for establishing an urban farm in a food desert.

34 3. The amount of the tax credit claimed shall not
35 exceed the amount of the taxpayer's state tax liability in
36 the tax year for which the credit is claimed, and the
37 taxpayer shall not be allowed to claim a tax credit under
38 this section in excess of one thousand dollars for each

39 urban farm. However, any tax credit that cannot be claimed
40 in the tax year the contribution is made may be carried over
41 to the next three succeeding tax years until the full credit
42 is claimed.

43 4. The total amount of tax credits that may be
44 authorized under this section shall not exceed one hundred
45 thousand dollars in any calendar year.

46 5. Tax credits issued under the provisions of this
47 section shall not be sold, assigned, or otherwise
48 transferred.

49 6. The department of revenue and the department of
50 agriculture may promulgate rules to implement the provisions
51 of this section. Any rule or portion of a rule, as that
52 term is defined in section 536.010, that is created under
53 the authority delegated in this section shall become
54 effective only if it complies with and is subject to all of
55 the provisions of chapter 536 and, if applicable, section
56 536.028. This section and chapter 536 are nonseverable, and
57 if any of the powers vested with the general assembly
58 pursuant to chapter 536 to review, to delay the effective
59 date, or to disapprove and annul a rule are subsequently
60 held unconstitutional, then the grant of rulemaking
61 authority and any rule proposed or adopted after August 28,
62 2021, shall be invalid and void.

63 7. Under section 23.253 of the Missouri sunset act:

64 (1) The program authorized under this section shall
65 automatically sunset on December thirty-first six years
66 after the effective date of this section unless reauthorized
67 by an act of the general assembly;

68 (2) If such program is reauthorized, the program
69 authorized under this section shall automatically sunset on
70 December thirty-first twelve years after the effective date
71 of the reauthorization of this section;

72 (3) This section shall terminate on September first of
73 the calendar year immediately following the calendar year in
74 which the program authorized under this section is sunset;
75 and

76 (4) Nothing in this subsection shall be construed to
77 prevent a taxpayer from claiming a tax credit properly
78 issued before the program is sunset in a tax year after the
79 program is sunset.

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

3 (1) "General reassessment", changes in value, entered
4 in the assessor's books, of a substantial portion of the
5 parcels of real property within a county resulting wholly or
6 partly from reappraisal of value or other actions of the
7 assessor or county equalization body or ordered by the state
8 tax commission or any court;

9 (2) "Tax rate", "rate", or "rate of levy", singular or
10 plural, includes the tax rate for each purpose of taxation
11 of property a taxing authority is authorized to levy without
12 a vote and any tax rate authorized by election, including
13 bond interest and sinking fund;

14 (3) "Tax rate ceiling", a tax rate as revised by the
15 taxing authority to comply with the provisions of this
16 section or when a court has determined the tax rate; except
17 that, other provisions of law to the contrary
18 notwithstanding, a school district may levy the operating
19 levy for school purposes required for the current year
20 pursuant to subsection 2 of section 163.021, less all
21 adjustments required pursuant to Article X, Section 22 of
22 the Missouri Constitution, if such tax rate does not exceed
23 the highest tax rate in effect subsequent to the 1980 tax
24 year. This is the maximum tax rate that may be levied,

25 unless a higher tax rate ceiling is approved by voters of
26 the political subdivision as provided in this section;

27 (4) "Tax revenue", when referring to the previous
28 year, means the actual receipts from ad valorem levies on
29 all classes of property, including state-assessed property,
30 in the immediately preceding fiscal year of the political
31 subdivision, plus an allowance for taxes billed but not
32 collected in the fiscal year and plus an additional
33 allowance for the revenue which would have been collected
34 from property which was annexed by such political
35 subdivision but which was not previously used in determining
36 tax revenue pursuant to this section. The term "tax
37 revenue" shall not include any receipts from ad valorem
38 levies on any property of a railroad corporation or a public
39 utility, as these terms are defined in section 386.020,
40 which were assessed by the assessor of a county or city in
41 the previous year but are assessed by the state tax
42 commission in the current year. All school districts and
43 those counties levying sales taxes pursuant to chapter 67
44 shall include in the calculation of tax revenue an amount
45 equivalent to that by which they reduced property tax levies
46 as a result of sales tax pursuant to section 67.505 and
47 section 164.013 [or as excess home dock city or county fees
48 as provided in subsection 4 of section 313.820] in the
49 immediately preceding fiscal year but not including any
50 amount calculated to adjust for prior years. For purposes
51 of political subdivisions which were authorized to levy a
52 tax in the prior year but which did not levy such tax or
53 levied a reduced rate, the term "tax revenue", as used in
54 relation to the revision of tax levies mandated by law,
55 shall mean the revenues equal to the amount that would have
56 been available if the voluntary rate reduction had not been
57 made.

58 2. Whenever changes in assessed valuation are entered
59 in the assessor's books for any personal property, in the
60 aggregate, or for any subclass of real property as such
61 subclasses are established in Section 4(b) of Article X of
62 the Missouri Constitution and defined in section 137.016,
63 the county clerk in all counties and the assessor of St.
64 Louis City shall notify each political subdivision wholly or
65 partially within the county or St. Louis City of the change
66 in valuation of each subclass of real property,
67 individually, and personal property, in the aggregate,
68 exclusive of new construction and improvements. All
69 political subdivisions shall immediately revise the
70 applicable rates of levy for each purpose for each subclass
71 of real property, individually, and personal property, in
72 the aggregate, for which taxes are levied to the extent
73 necessary to produce from all taxable property, exclusive of
74 new construction and improvements, substantially the same
75 amount of tax revenue as was produced in the previous year
76 for each subclass of real property, individually, and
77 personal property, in the aggregate, except that the rate
78 shall not exceed the greater of the most recent voter-
79 approved rate or the most recent voter-approved rate as
80 adjusted under subdivision (2) of subsection 5 of this
81 section. Any political subdivision that has received
82 approval from voters for a tax increase after August 27,
83 2008, may levy a rate to collect substantially the same
84 amount of tax revenue as the amount of revenue that would
85 have been derived by applying the voter-approved increased
86 tax rate ceiling to the total assessed valuation of the
87 political subdivision as most recently certified by the city
88 or county clerk on or before the date of the election in
89 which such increase is approved, increased by the percentage
90 increase in the consumer price index, as provided by law,

91 except that the rate shall not exceed the greater of the
92 most recent voter-approved rate or the most recent voter-
93 approved rate as adjusted under subdivision (2) of
94 subsection 5 of this section. Such tax revenue shall not
95 include any receipts from ad valorem levies on any real
96 property which was assessed by the assessor of a county or
97 city in such previous year but is assessed by the assessor
98 of a county or city in the current year in a different
99 subclass of real property. Where the taxing authority is a
100 school district for the purposes of revising the applicable
101 rates of levy for each subclass of real property, the tax
102 revenues from state-assessed railroad and utility property
103 shall be apportioned and attributed to each subclass of real
104 property based on the percentage of the total assessed
105 valuation of the county that each subclass of real property
106 represents in the current taxable year. As provided in
107 Section 22 of Article X of the constitution, a political
108 subdivision may also revise each levy to allow for
109 inflationary assessment growth occurring within the
110 political subdivision. The inflationary growth factor for
111 any such subclass of real property or personal property
112 shall be limited to the actual assessment growth in such
113 subclass or class, exclusive of new construction and
114 improvements, and exclusive of the assessed value on any
115 real property which was assessed by the assessor of a county
116 or city in the current year in a different subclass of real
117 property, but not to exceed the consumer price index or five
118 percent, whichever is lower. Should the tax revenue of a
119 political subdivision from the various tax rates determined
120 in this subsection be different than the tax revenue that
121 would have been determined from a single tax rate as
122 calculated pursuant to the method of calculation in this
123 subsection prior to January 1, 2003, then the political

124 subdivision shall revise the tax rates of those subclasses
125 of real property, individually, and/or personal property, in
126 the aggregate, in which there is a tax rate reduction,
127 pursuant to the provisions of this subsection. Such
128 revision shall yield an amount equal to such difference and
129 shall be apportioned among such subclasses of real property,
130 individually, and/or personal property, in the aggregate,
131 based on the relative assessed valuation of the class or
132 subclasses of property experiencing a tax rate reduction.
133 Such revision in the tax rates of each class or subclass
134 shall be made by computing the percentage of current year
135 adjusted assessed valuation of each class or subclass with a
136 tax rate reduction to the total current year adjusted
137 assessed valuation of the class or subclasses with a tax
138 rate reduction, multiplying the resulting percentages by the
139 revenue difference between the single rate calculation and
140 the calculations pursuant to this subsection and dividing by
141 the respective adjusted current year assessed valuation of
142 each class or subclass to determine the adjustment to the
143 rate to be levied upon each class or subclass of property.
144 The adjustment computed herein shall be multiplied by one
145 hundred, rounded to four decimals in the manner provided in
146 this subsection, and added to the initial rate computed for
147 each class or subclass of property. For school districts
148 that levy separate tax rates on each subclass of real
149 property and personal property in the aggregate, if voters
150 approved a ballot before January 1, 2011, that presented
151 separate stated tax rates to be applied to the different
152 subclasses of real property and personal property in the
153 aggregate, or increases the separate rates that may be
154 levied on the different subclasses of real property and
155 personal property in the aggregate by different amounts, the
156 tax rate that shall be used for the single tax rate

157 calculation shall be a blended rate, calculated in the
158 manner provided under subdivision (1) of subsection 6 of
159 this section. Notwithstanding any provision of this
160 subsection to the contrary, no revision to the rate of levy
161 for personal property shall cause such levy to increase over
162 the levy for personal property from the prior year.

163 3. (1) Where the taxing authority is a school
164 district, it shall be required to revise the rates of levy
165 to the extent necessary to produce from all taxable
166 property, including state-assessed railroad and utility
167 property, which shall be separately estimated in addition to
168 other data required in complying with section 164.011,
169 substantially the amount of tax revenue permitted in this
170 section. In the year following tax rate reduction, the tax
171 rate ceiling may be adjusted to offset such district's
172 reduction in the apportionment of state school moneys due to
173 its reduced tax rate. However, in the event any school
174 district, in calculating a tax rate ceiling pursuant to this
175 section, requiring the estimating of effects of state-
176 assessed railroad and utility valuation or loss of state
177 aid, discovers that the estimates used result in receipt of
178 excess revenues, which would have required a lower rate if
179 the actual information had been known, the school district
180 shall reduce the tax rate ceiling in the following year to
181 compensate for the excess receipts, and the recalculated
182 rate shall become the tax rate ceiling for purposes of this
183 section.

184 (2) For any political subdivision which experiences a
185 reduction in the amount of assessed valuation relating to a
186 prior year, due to decisions of the state tax commission or
187 a court pursuant to sections 138.430 to 138.433, or due to
188 clerical errors or corrections in the calculation or
189 recordation of any assessed valuation:

190 (a) Such political subdivision may revise the tax rate
191 ceiling for each purpose it levies taxes to compensate for
192 the reduction in assessed value occurring after the
193 political subdivision calculated the tax rate ceiling for
194 the particular subclass of real property or for personal
195 property, in the aggregate, in a prior year. Such revision
196 by the political subdivision shall be made at the time of
197 the next calculation of the tax rate for the particular
198 subclass of real property or for personal property, in the
199 aggregate, after the reduction in assessed valuation has
200 been determined and shall be calculated in a manner that
201 results in the revised tax rate ceiling being the same as it
202 would have been had the corrected or finalized assessment
203 been available at the time of the prior calculation;

204 (b) In addition, for up to three years following the
205 determination of the reduction in assessed valuation as a
206 result of circumstances defined in this subdivision, such
207 political subdivision may levy a tax rate for each purpose
208 it levies taxes above the revised tax rate ceiling provided
209 in paragraph (a) of this subdivision to recoup any revenues
210 it was entitled to receive had the corrected or finalized
211 assessment been available at the time of the prior
212 calculation.

213 4. (1) In order to implement the provisions of this
214 section and Section 22 of Article X of the Constitution of
215 Missouri, the term improvements shall apply to both real and
216 personal property. In order to determine the value of new
217 construction and improvements, each county assessor shall
218 maintain a record of real property valuations in such a
219 manner as to identify each year the increase in valuation
220 for each political subdivision in the county as a result of
221 new construction and improvements. The value of new
222 construction and improvements shall include the additional

223 assessed value of all improvements or additions to real
224 property which were begun after and were not part of the
225 prior year's assessment, except that the additional assessed
226 value of all improvements or additions to real property
227 which had been totally or partially exempt from ad valorem
228 taxes pursuant to sections 99.800 to 99.865, sections
229 135.200 to 135.255, and section 353.110 shall be included in
230 the value of new construction and improvements when the
231 property becomes totally or partially subject to assessment
232 and payment of all ad valorem taxes. The aggregate increase
233 in valuation of personal property for the current year over
234 that of the previous year is the equivalent of the new
235 construction and improvements factor for personal property.
236 Notwithstanding any opt-out implemented pursuant to
237 subsection 14 of section 137.115, the assessor shall certify
238 the amount of new construction and improvements and the
239 amount of assessed value on any real property which was
240 assessed by the assessor of a county or city in such
241 previous year but is assessed by the assessor of a county or
242 city in the current year in a different subclass of real
243 property separately for each of the three subclasses of real
244 property for each political subdivision to the county clerk
245 in order that political subdivisions shall have this
246 information for the purpose of calculating tax rates
247 pursuant to this section and Section 22, Article X,
248 Constitution of Missouri. In addition, the state tax
249 commission shall certify each year to each county clerk the
250 increase in the general price level as measured by the
251 Consumer Price Index for All Urban Consumers for the United
252 States, or its successor publications, as defined and
253 officially reported by the United States Department of
254 Labor, or its successor agency. The state tax commission
255 shall certify the increase in such index on the latest

256 twelve-month basis available on February first of each year
257 over the immediately preceding prior twelve-month period in
258 order that political subdivisions shall have this
259 information available in setting their tax rates according
260 to law and Section 22 of Article X of the Constitution of
261 Missouri. For purposes of implementing the provisions of
262 this section and Section 22 of Article X of the Missouri
263 Constitution, the term "property" means all taxable
264 property, including state-assessed property.

265 (2) Each political subdivision required to revise
266 rates of levy pursuant to this section or Section 22 of
267 Article X of the Constitution of Missouri shall calculate
268 each tax rate it is authorized to levy and, in establishing
269 each tax rate, shall consider each provision for tax rate
270 revision provided in this section and Section 22 of Article
271 X of the Constitution of Missouri, separately and without
272 regard to annual tax rate reductions provided in section
273 67.505 and section 164.013. Each political subdivision
274 shall set each tax rate it is authorized to levy using the
275 calculation that produces the lowest tax rate ceiling. It
276 is further the intent of the general assembly, pursuant to
277 the authority of Section 10(c) of Article X of the
278 Constitution of Missouri, that the provisions of such
279 section be applicable to tax rate revisions mandated
280 pursuant to Section 22 of Article X of the Constitution of
281 Missouri as to reestablishing tax rates as revised in
282 subsequent years, enforcement provisions, and other
283 provisions not in conflict with Section 22 of Article X of
284 the Constitution of Missouri. Annual tax rate reductions
285 provided in section 67.505 and section 164.013 shall be
286 applied to the tax rate as established pursuant to this
287 section and Section 22 of Article X of the Constitution of
288 Missouri, unless otherwise provided by law.

289 5. (1) In all political subdivisions, the tax rate
290 ceiling established pursuant to this section shall not be
291 increased unless approved by a vote of the people. Approval
292 of the higher tax rate shall be by at least a majority of
293 votes cast. When a proposed higher tax rate requires
294 approval by more than a simple majority pursuant to any
295 provision of law or the constitution, the tax rate increase
296 must receive approval by at least the majority required.

297 (2) When voters approve an increase in the tax rate,
298 the amount of the increase shall be added to the tax rate
299 ceiling as calculated pursuant to this section to the extent
300 the total rate does not exceed any maximum rate prescribed
301 by law. If a ballot question presents a stated tax rate for
302 approval rather than describing the amount of increase in
303 the question, the stated tax rate approved shall be adjusted
304 as provided in this section and, so adjusted, shall be the
305 current tax rate ceiling. The increased tax rate ceiling as
306 approved shall be adjusted such that when applied to the
307 current total assessed valuation of the political
308 subdivision, excluding new construction and improvements
309 since the date of the election approving such increase, the
310 revenue derived from the adjusted tax rate ceiling is equal
311 to the sum of: the amount of revenue which would have been
312 derived by applying the voter-approved increased tax rate
313 ceiling to total assessed valuation of the political
314 subdivision, as most recently certified by the city or
315 county clerk on or before the date of the election in which
316 such increase is approved, increased by the percentage
317 increase in the consumer price index, as provided by law.
318 Such adjusted tax rate ceiling may be applied to the total
319 assessed valuation of the political subdivision at the
320 setting of the next tax rate. If a ballot question presents
321 a phased-in tax rate increase, upon voter approval, each tax

322 rate increase shall be adjusted in the manner prescribed in
323 this section to yield the sum of: the amount of revenue
324 that would be derived by applying such voter-approved
325 increased rate to the total assessed valuation, as most
326 recently certified by the city or county clerk on or before
327 the date of the election in which such increase was
328 approved, increased by the percentage increase in the
329 consumer price index, as provided by law, from the date of
330 the election to the time of such increase and, so adjusted,
331 shall be the current tax rate ceiling.

332 (3) The provisions of subdivision (2) of this
333 subsection notwithstanding, if, prior to the expiration of a
334 temporary levy increase, voters approve a subsequent levy
335 increase, the new tax rate ceiling shall remain in effect
336 only until such time as the temporary levy expires under the
337 terms originally approved by a vote of the people, at which
338 time the tax rate ceiling shall be decreased by the amount
339 of the temporary levy increase. If, prior to the expiration
340 of a temporary levy increase, voters of a political
341 subdivision are asked to approve an additional, permanent
342 increase to the political subdivision's tax rate ceiling,
343 voters shall be submitted ballot language that clearly
344 indicates that if the permanent levy increase is approved,
345 the temporary levy shall be made permanent.

346 (4) The governing body of any political subdivision
347 may levy a tax rate lower than its tax rate ceiling and may,
348 in a nonreassessment year, increase that lowered tax rate to
349 a level not exceeding the tax rate ceiling without voter
350 approval in the manner provided under subdivision [(4)] (5)
351 of this subsection. Nothing in this section shall be
352 construed as prohibiting a political subdivision from
353 voluntarily levying a tax rate lower than that which is
354 required under the provisions of this section or from

355 seeking voter approval of a reduction to such political
356 subdivision's tax rate ceiling.

357 ~~[(4)]~~ (5) In a year of general reassessment, a
358 governing body whose tax rate is lower than its tax rate
359 ceiling shall revise its tax rate pursuant to the provisions
360 of subsection 4 of this section as if its tax rate was at
361 the tax rate ceiling. In a year following general
362 reassessment, if such governing body intends to increase its
363 tax rate, the governing body shall conduct a public hearing,
364 and in a public meeting it shall adopt an ordinance,
365 resolution, or policy statement justifying its action prior
366 to setting and certifying its tax rate. The provisions of
367 this subdivision shall not apply to any political
368 subdivision which levies a tax rate lower than its tax rate
369 ceiling solely due to a reduction required by law resulting
370 from sales tax collections. The provisions of this
371 subdivision shall not apply to any political subdivision
372 which has received voter approval for an increase to its tax
373 rate ceiling subsequent to setting its most recent tax rate.

374 6. (1) For the purposes of calculating state aid for
375 public schools pursuant to section 163.031, each taxing
376 authority which is a school district shall determine its
377 proposed tax rate as a blended rate of the classes or
378 subclasses of property. Such blended rate shall be
379 calculated by first determining the total tax revenue of the
380 property within the jurisdiction of the taxing authority,
381 which amount shall be equal to the sum of the products of
382 multiplying the assessed valuation of each class and
383 subclass of property by the corresponding tax rate for such
384 class or subclass, then dividing the total tax revenue by
385 the total assessed valuation of the same jurisdiction, and
386 then multiplying the resulting quotient by a factor of one
387 hundred. Where the taxing authority is a school district,

388 such blended rate shall also be used by such school district
389 for calculating revenue from state-assessed railroad and
390 utility property as defined in chapter 151 and for
391 apportioning the tax rate by purpose.

392 (2) Each taxing authority proposing to levy a tax rate
393 in any year shall notify the clerk of the county commission
394 in the county or counties where the tax rate applies of its
395 tax rate ceiling and its proposed tax rate. Each taxing
396 authority shall express its proposed tax rate in a fraction
397 equal to the nearest one-tenth of a cent, unless its
398 proposed tax rate is in excess of one dollar, then one/one-
399 hundredth of a cent. If a taxing authority shall round to
400 one/one-hundredth of a cent, it shall round up a fraction
401 greater than or equal to five/one-thousandth of one cent to
402 the next higher one/one-hundredth of a cent; if a taxing
403 authority shall round to one-tenth of a cent, it shall round
404 up a fraction greater than or equal to five/one-hundredths
405 of a cent to the next higher one-tenth of a cent. Any
406 taxing authority levying a property tax rate shall provide
407 data, in such form as shall be prescribed by the state
408 auditor by rule, substantiating such tax rate complies with
409 Missouri law. All forms for the calculation of rates
410 pursuant to this section shall be promulgated as a rule and
411 shall not be incorporated by reference. The state auditor
412 shall promulgate rules for any and all forms for the
413 calculation of rates pursuant to this section which do not
414 currently exist in rule form or that have been incorporated
415 by reference. In addition, each taxing authority proposing
416 to levy a tax rate for debt service shall provide data, in
417 such form as shall be prescribed by the state auditor by
418 rule, substantiating the tax rate for debt service complies
419 with Missouri law. A tax rate proposed for annual debt
420 service requirements will be prima facie valid if, after

421 making the payment for which the tax was levied, bonds
422 remain outstanding and the debt fund reserves do not exceed
423 the following year's payments. The county clerk shall keep
424 on file and available for public inspection all such
425 information for a period of three years. The clerk shall,
426 within three days of receipt, forward a copy of the notice
427 of a taxing authority's tax rate ceiling and proposed tax
428 rate and any substantiating data to the state auditor. The
429 state auditor shall, within fifteen days of the date of
430 receipt, examine such information and return to the county
431 clerk his or her findings as to compliance of the tax rate
432 ceiling with this section and as to compliance of any
433 proposed tax rate for debt service with Missouri law. If
434 the state auditor believes that a taxing authority's
435 proposed tax rate does not comply with Missouri law, then
436 the state auditor's findings shall include a recalculated
437 tax rate, and the state auditor may request a taxing
438 authority to submit documentation supporting such taxing
439 authority's proposed tax rate. The county clerk shall
440 immediately forward a copy of the auditor's findings to the
441 taxing authority and shall file a copy of the findings with
442 the information received from the taxing authority. The
443 taxing authority shall have fifteen days from the date of
444 receipt from the county clerk of the state auditor's
445 findings and any request for supporting documentation to
446 accept or reject in writing the rate change certified by the
447 state auditor and to submit all requested information to the
448 state auditor. A copy of the taxing authority's acceptance
449 or rejection and any information submitted to the state
450 auditor shall also be mailed to the county clerk. If a
451 taxing authority rejects a rate change certified by the
452 state auditor and the state auditor does not receive
453 supporting information which justifies the taxing

454 authority's original or any subsequent proposed tax rate,
455 then the state auditor shall refer the perceived violations
456 of such taxing authority to the attorney general's office
457 and the attorney general is authorized to obtain injunctive
458 relief to prevent the taxing authority from levying a
459 violative tax rate.

460 (3) In the event that the taxing authority incorrectly
461 completes the forms created and promulgated under
462 subdivision (2) of this subsection, or makes a clerical
463 error, the taxing authority may submit amended forms with an
464 explanation for the needed changes. If such amended forms
465 are filed under regulations prescribed by the state auditor,
466 the state auditor shall take into consideration such amended
467 forms for the purposes of this subsection.

468 7. No tax rate shall be extended on the tax rolls by
469 the county clerk unless the political subdivision has
470 complied with the foregoing provisions of this section.

471 8. Whenever a taxpayer has cause to believe that a
472 taxing authority has not complied with the provisions of
473 this section, the taxpayer may make a formal complaint with
474 the prosecuting attorney of the county. Where the
475 prosecuting attorney fails to bring an action within ten
476 days of the filing of the complaint, the taxpayer may bring
477 a civil action pursuant to this section and institute an
478 action as representative of a class of all taxpayers within
479 a taxing authority if the class is so numerous that joinder
480 of all members is impracticable, if there are questions of
481 law or fact common to the class, if the claims or defenses
482 of the representative parties are typical of the claims or
483 defenses of the class, and if the representative parties
484 will fairly and adequately protect the interests of the
485 class. In any class action maintained pursuant to this
486 section, the court may direct to the members of the class a

487 notice to be published at least once each week for four
488 consecutive weeks in a newspaper of general circulation
489 published in the county where the civil action is commenced
490 and in other counties within the jurisdiction of a taxing
491 authority. The notice shall advise each member that the
492 court will exclude him or her from the class if he or she so
493 requests by a specified date, that the judgment, whether
494 favorable or not, will include all members who do not
495 request exclusion, and that any member who does not request
496 exclusion may, if he or she desires, enter an appearance.
497 In any class action brought pursuant to this section, the
498 court, in addition to the relief requested, shall assess
499 against the taxing authority found to be in violation of
500 this section the reasonable costs of bringing the action,
501 including reasonable attorney's fees, provided no attorney's
502 fees shall be awarded any attorney or association of
503 attorneys who receive public funds from any source for their
504 services. Any action brought pursuant to this section shall
505 be set for hearing as soon as practicable after the cause is
506 at issue.

507 9. If in any action, including a class action, the
508 court issues an order requiring a taxing authority to revise
509 the tax rates as provided in this section or enjoins a
510 taxing authority from the collection of a tax because of its
511 failure to revise the rate of levy as provided in this
512 section, any taxpayer paying his or her taxes when an
513 improper rate is applied has erroneously paid his or her
514 taxes in part, whether or not the taxes are paid under
515 protest as provided in section 139.031 or otherwise
516 contested. The part of the taxes paid erroneously is the
517 difference in the amount produced by the original levy and
518 the amount produced by the revised levy. The township or
519 county collector of taxes or the collector of taxes in any

520 city shall refund the amount of the tax erroneously paid.
521 The taxing authority refusing to revise the rate of levy as
522 provided in this section shall make available to the
523 collector all funds necessary to make refunds pursuant to
524 this subsection. No taxpayer shall receive any interest on
525 any money erroneously paid by him or her pursuant to this
526 subsection. Effective in the 1994 tax year, nothing in this
527 section shall be construed to require a taxing authority to
528 refund any tax erroneously paid prior to or during the third
529 tax year preceding the current tax year.

530 10. Any rule or portion of a rule, as that term is
531 defined in section 536.010, that is created under the
532 authority delegated in this section shall become effective
533 only if it complies with and is subject to all of the
534 provisions of chapter 536 and, if applicable, section
535 536.028. This section and chapter 536 are nonseverable and
536 if any of the powers vested with the general assembly
537 pursuant to chapter 536 to review, to delay the effective
538 date, or to disapprove and annul a rule are subsequently
539 held unconstitutional, then the grant of rulemaking
540 authority and any rule proposed or adopted after August 28,
541 2004, shall be invalid and void.

137.115. 1. All other laws to the contrary
2 notwithstanding, the assessor or the assessor's deputies in
3 all counties of this state including the City of St. Louis
4 shall annually make a list of all real and tangible personal
5 property taxable in the assessor's city, county, town or
6 district. Except as otherwise provided in subsection 3 of
7 this section and section 137.078, the assessor shall
8 annually assess all personal property at thirty-three and
9 one-third percent of its true value in money as of January
10 first of each calendar year. The assessor shall annually
11 assess all real property, including any new construction and

12 improvements to real property, and possessory interests in
13 real property at the percent of its true value in money set
14 in subsection 5 of this section. The true value in money of
15 any possessory interest in real property in subclass (3),
16 where such real property is on or lies within the ultimate
17 airport boundary as shown by a federal airport layout plan,
18 as defined by 14 CFR 151.5, of a commercial airport having a
19 FAR Part 139 certification and owned by a political
20 subdivision, shall be the otherwise applicable true value in
21 money of any such possessory interest in real property, less
22 the total dollar amount of costs paid by a party, other than
23 the political subdivision, towards any new construction or
24 improvements on such real property completed after January
25 1, 2008, and which are included in the above-mentioned
26 possessory interest, regardless of the year in which such
27 costs were incurred or whether such costs were considered in
28 any prior year. The assessor shall annually assess all real
29 property in the following manner: new assessed values shall
30 be determined as of January first of each odd-numbered year
31 and shall be entered in the assessor's books; those same
32 assessed values shall apply in the following even-numbered
33 year, except for new construction and property improvements
34 which shall be valued as though they had been completed as
35 of January first of the preceding odd-numbered year. The
36 assessor may call at the office, place of doing business, or
37 residence of each person required by this chapter to list
38 property, and require the person to make a correct statement
39 of all taxable tangible personal property owned by the
40 person or under his or her care, charge or management,
41 taxable in the county. On or before January first of each
42 even-numbered year, the assessor shall prepare and submit a
43 two-year assessment maintenance plan to the county governing
44 body and the state tax commission for their respective

45 approval or modification. The county governing body shall
46 approve and forward such plan or its alternative to the plan
47 to the state tax commission by February first. If the
48 county governing body fails to forward the plan or its
49 alternative to the plan to the state tax commission by
50 February first, the assessor's plan shall be considered
51 approved by the county governing body. If the state tax
52 commission fails to approve a plan and if the state tax
53 commission and the assessor and the governing body of the
54 county involved are unable to resolve the differences, in
55 order to receive state cost-share funds outlined in section
56 137.750, the county or the assessor shall petition the
57 administrative hearing commission, by May first, to decide
58 all matters in dispute regarding the assessment maintenance
59 plan. Upon agreement of the parties, the matter may be
60 stayed while the parties proceed with mediation or
61 arbitration upon terms agreed to by the parties. The final
62 decision of the administrative hearing commission shall be
63 subject to judicial review in the circuit court of the
64 county involved. In the event a valuation of subclass (1)
65 real property within any county with a charter form of
66 government, or within a city not within a county, is made by
67 a computer, computer-assisted method or a computer program,
68 the burden of proof, supported by clear, convincing and
69 cogent evidence to sustain such valuation, shall be on the
70 assessor at any hearing or appeal. In any such county,
71 unless the assessor proves otherwise, there shall be a
72 presumption that the assessment was made by a computer,
73 computer-assisted method or a computer program. Such
74 evidence shall include, but shall not be limited to, the
75 following:

76 (1) The findings of the assessor based on an appraisal
77 of the property by generally accepted appraisal techniques;
78 and

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

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

85 (b) Such properties are not more than one mile from
86 the site of the disputed property, except where no similar
87 properties exist within one mile of the disputed property,
88 the nearest comparable property shall be used. Such
89 property shall be within five hundred square feet in size of
90 the disputed property, and resemble the disputed property in
91 age, floor plan, number of rooms, and other relevant
92 characteristics.

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

96 3. The following items of personal property shall each
97 constitute separate subclasses of tangible personal property
98 and shall be assessed and valued for the purposes of
99 taxation at the following percentages of their true value in
100 money:

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

103 (2) Livestock, twelve percent;

104 (3) Farm machinery, twelve percent;

105 (4) Motor vehicles which are eligible for registration
106 as and are registered as historic motor vehicles pursuant to
107 section 301.131 and aircraft which are at least twenty-five
108 years old and which are used solely for noncommercial

109 purposes and are operated less than ~~[fifty]~~ two hundred
110 hours per year or aircraft that are home built from a kit,
111 five percent;

112 (5) Poultry, twelve percent; and

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

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

126 5. (1) All subclasses of real property, as such
127 subclasses are established in Section 4(b) of Article X of
128 the Missouri Constitution and defined in section 137.016,
129 shall be assessed at the following percentages of true value:

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

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

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

136 (2) A taxpayer may apply to the county assessor, or,
137 if not located within a county, then the assessor of such
138 city, for the reclassification of such taxpayer's real
139 property if the use or purpose of such real property is
140 changed after such property is assessed under the provisions
141 of this chapter. If the assessor determines that such

142 property shall be reclassified, he or she shall determine
143 the assessment under this subsection based on the percentage
144 of the tax year that such property was classified in each
145 subclassification.

146 6. Manufactured homes, as defined in section 700.010,
147 which are actually used as dwelling units shall be assessed
148 at the same percentage of true value as residential real
149 property for the purpose of taxation. The percentage of
150 assessment of true value for such manufactured homes shall
151 be the same as for residential real property. If the county
152 collector cannot identify or find the manufactured home when
153 attempting to attach the manufactured home for payment of
154 taxes owed by the manufactured home owner, the county
155 collector may request the county commission to have the
156 manufactured home removed from the tax books, and such
157 request shall be granted within thirty days after the
158 request is made; however, the removal from the tax books
159 does not remove the tax lien on the manufactured home if it
160 is later identified or found. For purposes of this section,
161 a manufactured home located in a manufactured home rental
162 park, rental community or on real estate not owned by the
163 manufactured home owner shall be considered personal
164 property. For purposes of this section, a manufactured home
165 located on real estate owned by the manufactured home owner
166 may be considered real property.

167 7. Each manufactured home assessed shall be considered
168 a parcel for the purpose of reimbursement pursuant to
169 section 137.750, unless the manufactured home is real estate
170 as defined in subsection 7 of section 442.015 and assessed
171 as a realty improvement to the existing real estate parcel.

172 8. Any amount of tax due and owing based on the
173 assessment of a manufactured home shall be included on the
174 personal property tax statement of the manufactured home

175 owner unless the manufactured home is real estate as defined
176 in subsection 7 of section 442.015, in which case the amount
177 of tax due and owing on the assessment of the manufactured
178 home as a realty improvement to the existing real estate
179 parcel shall be included on the real property tax statement
180 of the real estate owner.

181 9. The assessor of each county and each city not
182 within a county shall use the trade-in value published in
183 the October issue of the National Automobile Dealers'
184 Association Official Used Car Guide, or its successor
185 publication, as the recommended guide of information for
186 determining the true value of motor vehicles described in
187 such publication. The assessor shall not use a value that
188 is greater than the average trade-in value in determining
189 the true value of the motor vehicle without performing a
190 physical inspection of the motor vehicle. For vehicles two
191 years old or newer from a vehicle's model year, the assessor
192 may use a value other than average without performing a
193 physical inspection of the motor vehicle. In the absence of
194 a listing for a particular motor vehicle in such
195 publication, the assessor shall use such information or
196 publications which in the assessor's judgment will fairly
197 estimate the true value in money of the motor vehicle.

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

204 11. If a physical inspection is required, pursuant to
205 subsection 10 of this section, the assessor shall notify the
206 property owner of that fact in writing and shall provide the
207 owner clear written notice of the owner's rights relating to

208 the physical inspection. If a physical inspection is
209 required, the property owner may request that an interior
210 inspection be performed during the physical inspection. The
211 owner shall have no less than thirty days to notify the
212 assessor of a request for an interior physical inspection.

213 12. A physical inspection, as required by subsection
214 10 of this section, shall include, but not be limited to, an
215 on-site personal observation and review of all exterior
216 portions of the land and any buildings and improvements to
217 which the inspector has or may reasonably and lawfully gain
218 external access, and shall include an observation and review
219 of the interior of any buildings or improvements on the
220 property upon the timely request of the owner pursuant to
221 subsection 11 of this section. Mere observation of the
222 property via a drive-by inspection or the like shall not be
223 considered sufficient to constitute a physical inspection as
224 required by this section.

225 13. A county or city collector may accept credit cards
226 as proper form of payment of outstanding property tax or
227 license due. No county or city collector may charge
228 surcharge for payment by credit card which exceeds the fee
229 or surcharge charged by the credit card bank, processor, or
230 issuer for its service. A county or city collector may
231 accept payment by electronic transfers of funds in payment
232 of any tax or license and charge the person making such
233 payment a fee equal to the fee charged the county by the
234 bank, processor, or issuer of such electronic payment.

235 14. Any county or city not within a county in this
236 state may, by an affirmative vote of the governing body of
237 such county, opt out of the provisions of this section and
238 sections 137.073, 138.060, and 138.100 as enacted by house
239 bill no. 1150 of the ninety-first general assembly, second
240 regular session and section 137.073 as modified by house

241 committee substitute for senate substitute for senate
242 committee substitute for senate bill no. 960, ninety-second
243 general assembly, second regular session, for the next year
244 of the general reassessment, prior to January first of any
245 year. No county or city not within a county shall exercise
246 this opt-out provision after implementing the provisions of
247 this section and sections 137.073, 138.060, and 138.100 as
248 enacted by house bill no. 1150 of the ninety-first general
249 assembly, second regular session and section 137.073 as
250 modified by house committee substitute for senate substitute
251 for senate committee substitute for senate bill no. 960,
252 ninety-second general assembly, second regular session, in a
253 year of general reassessment. For the purposes of applying
254 the provisions of this subsection, a political subdivision
255 contained within two or more counties where at least one of
256 such counties has opted out and at least one of such
257 counties has not opted out shall calculate a single tax rate
258 as in effect prior to the enactment of house bill no. 1150
259 of the ninety-first general assembly, second regular
260 session. A governing body of a city not within a county or
261 a county that has opted out under the provisions of this
262 subsection may choose to implement the provisions of this
263 section and sections 137.073, 138.060, and 138.100 as
264 enacted by house bill no. 1150 of the ninety-first general
265 assembly, second regular session, and section 137.073 as
266 modified by house committee substitute for senate substitute
267 for senate committee substitute for senate bill no. 960,
268 ninety-second general assembly, second regular session, for
269 the next year of general reassessment, by an affirmative
270 vote of the governing body prior to December thirty-first of
271 any year.

272 15. The governing body of any city of the third
273 classification with more than twenty-six thousand three

274 hundred but fewer than twenty-six thousand seven hundred
275 inhabitants located in any county that has exercised its
276 authority to opt out under subsection 14 of this section may
277 levy separate and differing tax rates for real and personal
278 property only if such city bills and collects its own
279 property taxes or satisfies the entire cost of the billing
280 and collection of such separate and differing tax rates.
281 Such separate and differing rates shall not exceed such
282 city's tax rate ceiling.

283 16. Any portion of real property that is available as
284 reserve for strip, surface, or coal mining for minerals for
285 purposes of excavation for future use or sale to others that
286 has not been bonded and permitted under chapter 444 shall be
287 assessed based upon how the real property is currently being
288 used. Any information provided to a county assessor, state
289 tax commission, state agency, or political subdivision
290 responsible for the administration of tax policies shall, in
291 the performance of its duties, make available all books,
292 records, and information requested, except such books,
293 records, and information as are by law declared confidential
294 in nature, including individually identifiable information
295 regarding a specific taxpayer or taxpayer's mine property.
296 For purposes of this subsection, "mine property" shall mean
297 all real property that is in use or readily available as a
298 reserve for strip, surface, or coal mining for minerals for
299 purposes of excavation for current or future use or sale to
300 others that has been bonded and permitted under chapter 444.

137.280. 1. Taxpayers' personal property lists,
2 except those of merchants and manufacturers, and except
3 those of railroads, public utilities, pipeline companies or
4 any other person or corporation subject to special statutory
5 requirements, such as chapter 151, who shall return and file
6 their assessments on locally assessed property no later than

7 April first, shall be delivered to the office of the
 8 assessor of the county between the first day of January and
 9 the first day of March each year and shall be signed and
 10 certified by the taxpayer as being a true and complete list
 11 or statement of all the taxable tangible personal property.
 12 If any person shall fail to deliver the required list to the
 13 assessor by the first day of March, the owner of the
 14 property which ought to have been listed shall be assessed a
 15 penalty added to the tax bill, based on the assessed value
 16 of the property that was not reported, as follows:

17	Assessed Valuation	Penalty
18	0 - \$1,000	\$15.00
19	\$1,001 - \$2,000	\$25.00
20	\$2,001 - \$3,000	\$35.00
21	\$3,001 - \$4,000	\$45.00
22	\$4,001 - \$5,000	\$55.00
23	\$5,001 - \$6,000	\$65.00
24	\$6,001 - \$7,000	\$75.00
25	\$7,001 - \$8,000	\$85.00
26	\$8,001 - \$9,000	\$95.00
27	\$9,001 and above	\$105.00

28 The assessor in any county of the first classification
 29 without a charter form of government with a population of
 30 one hundred thousand or more inhabitants which contains all
 31 or part of a city with a population of three hundred fifty
 32 thousand or more inhabitants shall omit assessing the
 33 penalty in any case where he or she is satisfied the neglect

34 is unavoidable and not willful or falls into one of the
35 following categories. The assessor in all other political
36 subdivisions shall omit assessing the penalty in any case
37 where he or she is satisfied the neglect falls into at least
38 one of the following categories:

39 (1) The taxpayer is in military service and is outside
40 the state;

41 (2) The taxpayer filed timely, but in the wrong county;

42 (3) There was a loss of records due to fire or flood;

43 (4) The taxpayer can show the list was mailed timely
44 as evidenced by the date of postmark;

45 (5) The assessor determines that no form for listing
46 personal property was mailed to the taxpayer for that tax
47 year; or

48 (6) The neglect occurred as a direct result of the
49 actions or inactions of the county or its employees or
50 contractors.

51 2. Between March first and April first, the assessor
52 shall send to each taxpayer who was sent an assessment list
53 for the current tax year, and said list was not returned to
54 the assessor, a second notice that statutes require the
55 assessment list be returned immediately. In the event the
56 taxpayer returns the assessment list to the assessor before
57 May first, the penalty described in subsection 1 of this
58 section shall not apply. If said assessment list is not
59 returned before May first by the taxpayer, the penalty shall
60 apply.

61 3. It shall be the duty of the county commission and
62 assessor to place on the assessment rolls for the year all
63 personal property discovered in the calendar year which was
64 taxable on January first of that year.

65 4. If annual waivers exceed forty percent, then by
66 February first of each year, the assessor shall transmit to

67 the county employees' retirement fund an electronic or paper
68 copy of the log maintained under subsection 3 of section
69 50.1020 for the prior calendar year.

70 5. An assessor may, upon request of a taxpayer, send
71 any assessment list or notice required by this section to
72 such taxpayer in electronic form.

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

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

6 (1) The amount of any federal income tax refund
7 received for a prior year which resulted in a Missouri
8 income tax benefit. The amount added pursuant to this
9 subdivision shall not include any amount of a federal income
10 tax refund attributable to a tax credit reducing a
11 taxpayer's federal tax liability pursuant to Public Law 116-
12 136 or 116-260, enacted by the 116th United States Congress,
13 for the tax year beginning on or after January 1, 2020, and
14 ending on or before December 31, 2020, and deducted from
15 Missouri adjusted gross income pursuant to section 143.171.
16 The amount added under this subdivision shall also not
17 include any amount of a federal income tax refund
18 attributable to a tax credit reducing a taxpayer's federal
19 tax liability under any other federal law that provides
20 direct economic impact payments to taxpayers to mitigate
21 financial challenges related to the COVID-19 pandemic, and
22 deducted from Missouri adjusted gross income under section
23 143.171;

24 (2) Interest on certain governmental obligations
25 excluded from federal gross income by 26 U.S.C. Section 103
26 of the Internal Revenue Code, as amended. The previous
27 sentence shall not apply to interest on obligations of the

28 state of Missouri or any of its political subdivisions or
29 authorities and shall not apply to the interest described in
30 subdivision (1) of subsection 3 of this section. The amount
31 added pursuant to this subdivision shall be reduced by the
32 amounts applicable to such interest that would have been
33 deductible in computing the taxable income of the taxpayer
34 except only for the application of 26 U.S.C. Section 265 of
35 the Internal Revenue Code, as amended. The reduction shall
36 only be made if it is at least five hundred dollars;

37 (3) The amount of any deduction that is included in
38 the computation of federal taxable income pursuant to 26
39 U.S.C. Section 168 of the Internal Revenue Code as amended
40 by the Job Creation and Worker Assistance Act of 2002 to the
41 extent the amount deducted relates to property purchased on
42 or after July 1, 2002, but before July 1, 2003, and to the
43 extent the amount deducted exceeds the amount that would
44 have been deductible pursuant to 26 U.S.C. Section 168 of
45 the Internal Revenue Code of 1986 as in effect on January 1,
46 2002;

47 (4) The amount of any deduction that is included in
48 the computation of federal taxable income for net operating
49 loss allowed by 26 U.S.C. Section 172 of the Internal
50 Revenue Code of 1986, as amended, other than the deduction
51 allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C.
52 Section 172(i) of the Internal Revenue Code of 1986, as
53 amended, for a net operating loss the taxpayer claims in the
54 tax year in which the net operating loss occurred or carries
55 forward for a period of more than twenty years and carries
56 backward for more than two years. Any amount of net
57 operating loss taken against federal taxable income but
58 disallowed for Missouri income tax purposes pursuant to this
59 subdivision after June 18, 2002, may be carried forward and
60 taken against any income on the Missouri income tax return

61 for a period of not more than twenty years from the year of
62 the initial loss; and

63 (5) For nonresident individuals in all taxable years
64 ending on or after December 31, 2006, the amount of any
65 property taxes paid to another state or a political
66 subdivision of another state for which a deduction was
67 allowed on such nonresident's federal return in the taxable
68 year unless such state, political subdivision of a state, or
69 the District of Columbia allows a subtraction from income
70 for property taxes paid to this state for purposes of
71 calculating income for the income tax for such state,
72 political subdivision of a state, or the District of
73 Columbia;

74 (6) For all tax years beginning on or after January 1,
75 2018, any interest expense paid or accrued in a previous
76 taxable year, but allowed as a deduction under 26 U.S.C.
77 Section 163, as amended, in the current taxable year by
78 reason of the carryforward of disallowed business interest
79 provisions of 26 U.S.C. Section 163(j), as amended. For the
80 purposes of this subdivision, an interest expense is
81 considered paid or accrued only in the first taxable year
82 the deduction would have been allowable under 26 U.S.C.
83 Section 163, as amended, if the limitation under 26 U.S.C.
84 Section 163(j), as amended, did not exist.

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

88 (1) Interest received on deposits held at a federal
89 reserve bank or interest or dividends on obligations of the
90 United States and its territories and possessions or of any
91 authority, commission or instrumentality of the United
92 States to the extent exempt from Missouri income taxes
93 pursuant to the laws of the United States. The amount

94 subtracted pursuant to this subdivision shall be reduced by
95 any interest on indebtedness incurred to carry the described
96 obligations or securities and by any expenses incurred in
97 the production of interest or dividend income described in
98 this subdivision. The reduction in the previous sentence
99 shall only apply to the extent that such expenses including
100 amortizable bond premiums are deducted in determining the
101 taxpayer's federal adjusted gross income or included in the
102 taxpayer's Missouri itemized deduction. The reduction shall
103 only be made if the expenses total at least five hundred
104 dollars;

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

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

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

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

127 (6) The portion of capital gain specified in section
128 135.357 that would otherwise be included in federal adjusted
129 gross income;

130 (7) The amount that would have been deducted in the
131 computation of federal taxable income pursuant to 26 U.S.C.
132 Section 168 of the Internal Revenue Code as in effect on
133 January 1, 2002, to the extent that amount relates to
134 property purchased on or after July 1, 2002, but before July
135 1, 2003, and to the extent that amount exceeds the amount
136 actually deducted pursuant to 26 U.S.C. Section 168 of the
137 Internal Revenue Code as amended by the Job Creation and
138 Worker Assistance Act of 2002;

139 (8) For all tax years beginning on or after January 1,
140 2005, the amount of any income received for military service
141 while the taxpayer serves in a combat zone which is included
142 in federal adjusted gross income and not otherwise excluded
143 therefrom. As used in this section, "combat zone" means any
144 area which the President of the United States by Executive
145 Order designates as an area in which Armed Forces of the
146 United States are or have engaged in combat. Service is
147 performed in a combat zone only if performed on or after the
148 date designated by the President by Executive Order as the
149 date of the commencing of combat activities in such zone,
150 and on or before the date designated by the President by
151 Executive Order as the date of the termination of combatant
152 activities in such zone;

153 (9) For all tax years ending on or after July 1, 2002,
154 with respect to qualified property that is sold or otherwise
155 disposed of during a taxable year by a taxpayer and for
156 which an additional modification was made under subdivision
157 (3) of subsection 2 of this section, the amount by which
158 additional modification made under subdivision (3) of
159 subsection 2 of this section on qualified property has not

160 been recovered through the additional subtractions provided
161 in subdivision (7) of this subsection;

162 (10) For all tax years beginning on or after January
163 1, 2014, the amount of any income received as payment from
164 any program which provides compensation to agricultural
165 producers who have suffered a loss as the result of a
166 disaster or emergency, including the:

167 (a) Livestock Forage Disaster Program;

168 (b) Livestock Indemnity Program;

169 (c) Emergency Assistance for Livestock, Honeybees, and
170 Farm-Raised Fish;

171 (d) Emergency Conservation Program;

172 (e) Noninsured Crop Disaster Assistance Program;

173 (f) Pasture, Rangeland, Forage Pilot Insurance Program;

174 (g) Annual Forage Pilot Program;

175 (h) Livestock Risk Protection Insurance Plan; and

176 (i) Livestock Gross Margin Insurance Plan; and

177 (11) For all tax years beginning on or after January
178 1, 2018, any interest expense paid or accrued in the current
179 taxable year, but not deducted as a result of the limitation
180 imposed under 26 U.S.C. Section 163(j), as amended. For the
181 purposes of this subdivision, an interest expense is
182 considered paid or accrued only in the first taxable year
183 the deduction would have been allowable under 26 U.S.C.
184 Section 163, as amended, if the limitation under 26 U.S.C.
185 Section 163(j), as amended, did not exist.

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

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

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

201 7. (1) As used in this subsection, "qualified health
202 insurance premium" means the amount paid during the tax year
203 by such taxpayer for any insurance policy primarily
204 providing health care coverage for the taxpayer, the
205 taxpayer's spouse, or the taxpayer's dependents.

206 (2) In addition to the subtractions in subsection 3 of
207 this section, one hundred percent of the amount of qualified
208 health insurance premiums shall be subtracted from the
209 taxpayer's federal adjusted gross income to the extent the
210 amount paid for such premiums is included in federal taxable
211 income. The taxpayer shall provide the department of
212 revenue with proof of the amount of qualified health
213 insurance premiums paid.

214 8. (1) Beginning January 1, 2014, in addition to the
215 subtractions provided in this section, one hundred percent
216 of the cost incurred by a taxpayer for a home energy audit
217 conducted by an entity certified by the department of
218 natural resources under section 640.153 or the
219 implementation of any energy efficiency recommendations made
220 in such an audit shall be subtracted from the taxpayer's
221 federal adjusted gross income to the extent the amount paid
222 for any such activity is included in federal taxable
223 income. The taxpayer shall provide the department of
224 revenue with a summary of any recommendations made in a
225 qualified home energy audit, the name and certification

226 number of the qualified home energy auditor who conducted
227 the audit, and proof of the amount paid for any activities
228 under this subsection for which a deduction is claimed. The
229 taxpayer shall also provide a copy of the summary of any
230 recommendations made in a qualified home energy audit to the
231 department of natural resources.

232 (2) At no time shall a deduction claimed under this
233 subsection by an individual taxpayer or taxpayers filing
234 combined returns exceed one thousand dollars per year for
235 individual taxpayers or cumulatively exceed two thousand
236 dollars per year for taxpayers filing combined returns.

237 (3) Any deduction claimed under this subsection shall
238 be claimed for the tax year in which the qualified home
239 energy audit was conducted or in which the implementation of
240 the energy efficiency recommendations occurred. If
241 implementation of the energy efficiency recommendations
242 occurred during more than one year, the deduction may be
243 claimed in more than one year, subject to the limitations
244 provided under subdivision (2) of this subsection.

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

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

143.171. 1. For all tax years beginning on or after
2 January 1, 1994, and ending on or before December 31, 2018,
3 an individual taxpayer shall be allowed a deduction for his
4 or her federal income tax liability under Chapter 1 of the
5 Internal Revenue Code for the same taxable year for which
6 the Missouri return is being filed, not to exceed five

7 thousand dollars on a single taxpayer's return or ten
 8 thousand dollars on a combined return, after reduction for
 9 all credits thereon, except the credit for payments of
 10 federal estimated tax, the credit for the overpayment of any
 11 federal tax, and the credits allowed by the Internal Revenue
 12 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26
 13 U.S.C. Section 34.

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

28 If the Missouri gross income on 29 the return is:	The deduction percentage is:
30 \$25,000 or less	35 percent
31 From \$25,001 to \$50,000	25 percent
32 From \$50,001 to \$100,000	15 percent
33 From \$100,001 to \$125,000	5 percent
34 \$125,001 or more	0 percent

35 (2) Notwithstanding any provision of law to the
 36 contrary, the amount of any tax credits reducing a

37 taxpayer's federal tax liability pursuant to Public Law 116-
38 136 or 116-260, enacted by the 116th United States Congress,
39 for the tax year beginning on or after January 1, 2020, and
40 ending on or before December 31, 2020, and the amount of any
41 tax credits reducing a taxpayer's federal tax liability
42 under any other federal law that provides direct economic
43 impact payments to taxpayers to mitigate financial
44 challenges related to the COVID-19 pandemic shall not be
45 considered in determining a taxpayer's federal tax liability
46 for the purposes of subdivision (1) of this subsection.

47 3. For all tax years beginning on or after September
48 1, 1993, a corporate taxpayer shall be allowed a deduction
49 for fifty percent of its federal income tax liability under
50 Chapter 1 of the Internal Revenue Code for the same taxable
51 year for which the Missouri return is being filed after
52 reduction for all credits thereon, except the credit for
53 payments of federal estimated tax, the credit for the
54 overpayment of any federal tax, and the credits allowed by
55 the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C.
56 Section 27, and 26 U.S.C. Section 34.

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

190.839. Sections 190.800 to 190.839 shall expire on
2 September 30, ~~[2021]~~ 2022.

198.439. Sections 198.401 to 198.436 shall expire on
2 September 30, ~~[2021]~~ 2022.

208.152. 1. MO HealthNet payments shall be made on
2 behalf of those eligible needy persons as described in
3 section 208.151 who are unable to provide for it in whole or

4 in part, with any payments to be made on the basis of the
5 reasonable cost of the care or reasonable charge for the
6 services as defined and determined by the MO HealthNet
7 division, unless otherwise hereinafter provided, for the
8 following:

9 (1) Inpatient hospital services, except to persons in
10 an institution for mental diseases who are under the age of
11 sixty-five years and over the age of twenty-one years;
12 provided that the MO HealthNet division shall provide
13 through rule and regulation an exception process for
14 coverage of inpatient costs in those cases requiring
15 treatment beyond the seventy-fifth percentile professional
16 activities study (PAS) or the MO HealthNet children's
17 diagnosis length-of-stay schedule; and provided further that
18 the MO HealthNet division shall take into account through
19 its payment system for hospital services the situation of
20 hospitals which serve a disproportionate number of low-
21 income patients;

22 (2) All outpatient hospital services, payments
23 therefor to be in amounts which represent no more than
24 eighty percent of the lesser of reasonable costs or
25 customary charges for such services, determined in
26 accordance with the principles set forth in Title XVIII A
27 and B, Public Law 89-97, 1965 amendments to the federal
28 Social Security Act (42 U.S.C. Section 301, et seq.), but
29 the MO HealthNet division may evaluate outpatient hospital
30 services rendered under this section and deny payment for
31 services which are determined by the MO HealthNet division
32 not to be medically necessary, in accordance with federal
33 law and regulations;

34 (3) Laboratory and X-ray services;

35 (4) Nursing home services for participants, except to
36 persons with more than five hundred thousand dollars equity

37 in their home or except for persons in an institution for
38 mental diseases who are under the age of sixty-five years,
39 when residing in a hospital licensed by the department of
40 health and senior services or a nursing home licensed by the
41 department of health and senior services or appropriate
42 licensing authority of other states or government-owned and -
43 operated institutions which are determined to conform to
44 standards equivalent to licensing requirements in Title XIX
45 of the federal Social Security Act (42 U.S.C. Section 301,
46 et seq.), as amended, for nursing facilities. The MO
47 HealthNet division may recognize through its payment
48 methodology for nursing facilities those nursing facilities
49 which serve a high volume of MO HealthNet patients. The MO
50 HealthNet division when determining the amount of the
51 benefit payments to be made on behalf of persons under the
52 age of twenty-one in a nursing facility may consider nursing
53 facilities furnishing care to persons under the age of
54 twenty-one as a classification separate from other nursing
55 facilities;

56 (5) Nursing home costs for participants receiving
57 benefit payments under subdivision (4) of this subsection
58 for those days, which shall not exceed twelve per any period
59 of six consecutive months, during which the participant is
60 on a temporary leave of absence from the hospital or nursing
61 home, provided that no such participant shall be allowed a
62 temporary leave of absence unless it is specifically
63 provided for in his plan of care. As used in this
64 subdivision, the term "temporary leave of absence" shall
65 include all periods of time during which a participant is
66 away from the hospital or nursing home overnight because he
67 is visiting a friend or relative;

68 (6) Physicians' services, whether furnished in the
69 office, home, hospital, nursing home, or elsewhere;

70 (7) Subject to appropriation, up to twenty visits per
71 year for services limited to examinations, diagnoses,
72 adjustments, and manipulations and treatments of
73 malpositioned articulations and structures of the body
74 provided by licensed chiropractic physicians practicing
75 within their scope of practice. Nothing in this subdivision
76 shall be interpreted to otherwise expand MO HealthNet
77 services;

78 (8) Drugs and medicines when prescribed by a licensed
79 physician, dentist, podiatrist, or an advanced practice
80 registered nurse; except that no payment for drugs and
81 medicines prescribed on and after January 1, 2006, by a
82 licensed physician, dentist, podiatrist, or an advanced
83 practice registered nurse may be made on behalf of any
84 person who qualifies for prescription drug coverage under
85 the provisions of P.L. 108-173;

86 (9) Emergency ambulance services and, effective
87 January 1, 1990, medically necessary transportation to
88 scheduled, physician-prescribed nonelective treatments;

89 (10) Early and periodic screening and diagnosis of
90 individuals who are under the age of twenty-one to ascertain
91 their physical or mental defects, and health care,
92 treatment, and other measures to correct or ameliorate
93 defects and chronic conditions discovered thereby. Such
94 services shall be provided in accordance with the provisions
95 of Section 6403 of P.L. 101-239 and federal regulations
96 promulgated thereunder;

97 (11) Home health care services;

98 (12) Family planning as defined by federal rules and
99 regulations; provided, however, that such family planning
100 services shall not include:

101 (a) Abortions unless such abortions are certified in
102 writing by a physician to the MO HealthNet agency that, in

103 the physician's professional judgment, the life of the
104 mother would be endangered if the fetus were carried to
105 term; and

106 (b) Any drug or device approved by the federal Food
107 and Drug Administration that may cause the destruction of,
108 or prevent the implantation of, an unborn child, as defined
109 in section 188.015;

110 (13) Inpatient psychiatric hospital services for
111 individuals under age twenty-one as defined in Title XIX of
112 the federal Social Security Act (42 U.S.C. Section 1396d, et
113 seq.);

114 (14) Outpatient surgical procedures, including
115 presurgical diagnostic services performed in ambulatory
116 surgical facilities which are licensed by the department of
117 health and senior services of the state of Missouri; except,
118 that such outpatient surgical services shall not include
119 persons who are eligible for coverage under Part B of Title
120 XVIII, Public Law 89-97, 1965 amendments to the federal
121 Social Security Act, as amended, if exclusion of such
122 persons is permitted under Title XIX, Public Law 89-97, 1965
123 amendments to the federal Social Security Act, as amended;

124 (15) Personal care services which are medically
125 oriented tasks having to do with a person's physical
126 requirements, as opposed to housekeeping requirements, which
127 enable a person to be treated by his or her physician on an
128 outpatient rather than on an inpatient or residential basis
129 in a hospital, intermediate care facility, or skilled
130 nursing facility. Personal care services shall be rendered
131 by an individual not a member of the participant's family
132 who is qualified to provide such services where the services
133 are prescribed by a physician in accordance with a plan of
134 treatment and are supervised by a licensed nurse. Persons
135 eligible to receive personal care services shall be those

136 persons who would otherwise require placement in a hospital,
137 intermediate care facility, or skilled nursing facility.
138 Benefits payable for personal care services shall not exceed
139 for any one participant one hundred percent of the average
140 statewide charge for care and treatment in an intermediate
141 care facility for a comparable period of time. Such
142 services, when delivered in a residential care facility or
143 assisted living facility licensed under chapter 198 shall be
144 authorized on a tier level based on the services the
145 resident requires and the frequency of the services. A
146 resident of such facility who qualifies for assistance under
147 section 208.030 shall, at a minimum, if prescribed by a
148 physician, qualify for the tier level with the fewest
149 services. The rate paid to providers for each tier of
150 service shall be set subject to appropriations. Subject to
151 appropriations, each resident of such facility who qualifies
152 for assistance under section 208.030 and meets the level of
153 care required in this section shall, at a minimum, if
154 prescribed by a physician, be authorized up to one hour of
155 personal care services per day. Authorized units of
156 personal care services shall not be reduced or tier level
157 lowered unless an order approving such reduction or lowering
158 is obtained from the resident's personal physician. Such
159 authorized units of personal care services or tier level
160 shall be transferred with such resident if he or she
161 transfers to another such facility. Such provision shall
162 terminate upon receipt of relevant waivers from the federal
163 Department of Health and Human Services. If the Centers for
164 Medicare and Medicaid Services determines that such
165 provision does not comply with the state plan, this
166 provision shall be null and void. The MO HealthNet division
167 shall notify the revisor of statutes as to whether the

168 relevant waivers are approved or a determination of
169 noncompliance is made;

170 (16) Mental health services. The state plan for
171 providing medical assistance under Title XIX of the Social
172 Security Act, 42 U.S.C. Section 301, as amended, shall
173 include the following mental health services when such
174 services are provided by community mental health facilities
175 operated by the department of mental health or designated by
176 the department of mental health as a community mental health
177 facility or as an alcohol and drug abuse facility or as a
178 child-serving agency within the comprehensive children's
179 mental health service system established in section
180 630.097. The department of mental health shall establish by
181 administrative rule the definition and criteria for
182 designation as a community mental health facility and for
183 designation as an alcohol and drug abuse facility. Such
184 mental health services shall include:

185 (a) Outpatient mental health services including
186 preventive, diagnostic, therapeutic, rehabilitative, and
187 palliative interventions rendered to individuals in an
188 individual or group setting by a mental health professional
189 in accordance with a plan of treatment appropriately
190 established, implemented, monitored, and revised under the
191 auspices of a therapeutic team as a part of client services
192 management;

193 (b) Clinic mental health services including
194 preventive, diagnostic, therapeutic, rehabilitative, and
195 palliative interventions rendered to individuals in an
196 individual or group setting by a mental health professional
197 in accordance with a plan of treatment appropriately
198 established, implemented, monitored, and revised under the
199 auspices of a therapeutic team as a part of client services
200 management;

201 (c) Rehabilitative mental health and alcohol and drug
202 abuse services including home and community-based
203 preventive, diagnostic, therapeutic, rehabilitative, and
204 palliative interventions rendered to individuals in an
205 individual or group setting by a mental health or alcohol
206 and drug abuse professional in accordance with a plan of
207 treatment appropriately established, implemented, monitored,
208 and revised under the auspices of a therapeutic team as a
209 part of client services management. As used in this
210 section, mental health professional and alcohol and drug
211 abuse professional shall be defined by the department of
212 mental health pursuant to duly promulgated rules. With
213 respect to services established by this subdivision, the
214 department of social services, MO HealthNet division, shall
215 enter into an agreement with the department of mental
216 health. Matching funds for outpatient mental health
217 services, clinic mental health services, and rehabilitation
218 services for mental health and alcohol and drug abuse shall
219 be certified by the department of mental health to the MO
220 HealthNet division. The agreement shall establish a
221 mechanism for the joint implementation of the provisions of
222 this subdivision. In addition, the agreement shall
223 establish a mechanism by which rates for services may be
224 jointly developed;

225 (17) Such additional services as defined by the MO
226 HealthNet division to be furnished under waivers of federal
227 statutory requirements as provided for and authorized by the
228 federal Social Security Act (42 U.S.C. Section 301, et seq.)
229 subject to appropriation by the general assembly;

230 (18) The services of an advanced practice registered
231 nurse with a collaborative practice agreement to the extent
232 that such services are provided in accordance with chapters
233 334 and 335, and regulations promulgated thereunder;

234 (19) Nursing home costs for participants receiving
235 benefit payments under subdivision (4) of this subsection to
236 reserve a bed for the participant in the nursing home during
237 the time that the participant is absent due to admission to
238 a hospital for services which cannot be performed on an
239 outpatient basis, subject to the provisions of this
240 subdivision:

241 (a) The provisions of this subdivision shall apply
242 only if:

243 a. The occupancy rate of the nursing home is at or
244 above ninety-seven percent of MO HealthNet certified
245 licensed beds, according to the most recent quarterly census
246 provided to the department of health and senior services
247 which was taken prior to when the participant is admitted to
248 the hospital; and

249 b. The patient is admitted to a hospital for a medical
250 condition with an anticipated stay of three days or less;

251 (b) The payment to be made under this subdivision
252 shall be provided for a maximum of three days per hospital
253 stay;

254 (c) For each day that nursing home costs are paid on
255 behalf of a participant under this subdivision during any
256 period of six consecutive months such participant shall,
257 during the same period of six consecutive months, be
258 ineligible for payment of nursing home costs of two
259 otherwise available temporary leave of absence days provided
260 under subdivision (5) of this subsection; and

261 (d) The provisions of this subdivision shall not apply
262 unless the nursing home receives notice from the participant
263 or the participant's responsible party that the participant
264 intends to return to the nursing home following the hospital
265 stay. If the nursing home receives such notification and
266 all other provisions of this subsection have been satisfied,

267 the nursing home shall provide notice to the participant or
268 the participant's responsible party prior to release of the
269 reserved bed;

270 (20) Prescribed medically necessary durable medical
271 equipment. An electronic web-based prior authorization
272 system using best medical evidence and care and treatment
273 guidelines consistent with national standards shall be used
274 to verify medical need;

275 (21) Hospice care. As used in this subdivision, the
276 term "hospice care" means a coordinated program of active
277 professional medical attention within a home, outpatient and
278 inpatient care which treats the terminally ill patient and
279 family as a unit, employing a medically directed
280 interdisciplinary team. The program provides relief of
281 severe pain or other physical symptoms and supportive care
282 to meet the special needs arising out of physical,
283 psychological, spiritual, social, and economic stresses
284 which are experienced during the final stages of illness,
285 and during dying and bereavement and meets the Medicare
286 requirements for participation as a hospice as are provided
287 in 42 CFR Part 418. The rate of reimbursement paid by the
288 MO HealthNet division to the hospice provider for room and
289 board furnished by a nursing home to an eligible hospice
290 patient shall not be less than ninety-five percent of the
291 rate of reimbursement which would have been paid for
292 facility services in that nursing home facility for that
293 patient, in accordance with subsection (c) of Section 6408
294 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

295 (22) Prescribed medically necessary dental services.
296 Such services shall be subject to appropriations. An
297 electronic web-based prior authorization system using best
298 medical evidence and care and treatment guidelines

299 consistent with national standards shall be used to verify
300 medical need;

301 (23) Prescribed medically necessary optometric
302 services. Such services shall be subject to
303 appropriations. An electronic web-based prior authorization
304 system using best medical evidence and care and treatment
305 guidelines consistent with national standards shall be used
306 to verify medical need;

307 (24) Blood clotting products-related services. For
308 persons diagnosed with a bleeding disorder, as defined in
309 section 338.400, reliant on blood clotting products, as
310 defined in section 338.400, such services include:

311 (a) Home delivery of blood clotting products and
312 ancillary infusion equipment and supplies, including the
313 emergency deliveries of the product when medically necessary;

314 (b) Medically necessary ancillary infusion equipment
315 and supplies required to administer the blood clotting
316 products; and

317 (c) Assessments conducted in the participant's home by
318 a pharmacist, nurse, or local home health care agency
319 trained in bleeding disorders when deemed necessary by the
320 participant's treating physician;

321 (25) The MO HealthNet division shall, by January 1,
322 2008, and annually thereafter, report the status of MO
323 HealthNet provider reimbursement rates as compared to one
324 hundred percent of the Medicare reimbursement rates and
325 compared to the average dental reimbursement rates paid by
326 third-party payors licensed by the state. The MO HealthNet
327 division shall, by July 1, 2008, provide to the general
328 assembly a four-year plan to achieve parity with Medicare
329 reimbursement rates and for third-party payor average dental
330 reimbursement rates. Such plan shall be subject to
331 appropriation and the division shall include in its annual

332 budget request to the governor the necessary funding needed
333 to complete the four-year plan developed under this
334 subdivision.

335 2. Additional benefit payments for medical assistance
336 shall be made on behalf of those eligible needy children,
337 pregnant women and blind persons with any payments to be
338 made on the basis of the reasonable cost of the care or
339 reasonable charge for the services as defined and determined
340 by the MO HealthNet division, unless otherwise hereinafter
341 provided, for the following:

342 (1) Dental services;

343 (2) Services of podiatrists as defined in section
344 330.010;

345 (3) Optometric services as described in section
346 336.010;

347 (4) Orthopedic devices or other prosthetics, including
348 eye glasses, dentures, hearing aids, and wheelchairs;

349 (5) Hospice care. As used in this subdivision, the
350 term "hospice care" means a coordinated program of active
351 professional medical attention within a home, outpatient and
352 inpatient care which treats the terminally ill patient and
353 family as a unit, employing a medically directed
354 interdisciplinary team. The program provides relief of
355 severe pain or other physical symptoms and supportive care
356 to meet the special needs arising out of physical,
357 psychological, spiritual, social, and economic stresses
358 which are experienced during the final stages of illness,
359 and during dying and bereavement and meets the Medicare
360 requirements for participation as a hospice as are provided
361 in 42 CFR Part 418. The rate of reimbursement paid by the
362 MO HealthNet division to the hospice provider for room and
363 board furnished by a nursing home to an eligible hospice
364 patient shall not be less than ninety-five percent of the

365 rate of reimbursement which would have been paid for
366 facility services in that nursing home facility for that
367 patient, in accordance with subsection (c) of Section 6408
368 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

369 (6) Comprehensive day rehabilitation services
370 beginning early posttrauma as part of a coordinated system
371 of care for individuals with disabling impairments.
372 Rehabilitation services must be based on an individualized,
373 goal-oriented, comprehensive and coordinated treatment plan
374 developed, implemented, and monitored through an
375 interdisciplinary assessment designed to restore an
376 individual to optimal level of physical, cognitive, and
377 behavioral function. The MO HealthNet division shall
378 establish by administrative rule the definition and criteria
379 for designation of a comprehensive day rehabilitation
380 service facility, benefit limitations and payment
381 mechanism. Any rule or portion of a rule, as that term is
382 defined in section 536.010, that is created under the
383 authority delegated in this subdivision shall become
384 effective only if it complies with and is subject to all of
385 the provisions of chapter 536 and, if applicable, section
386 536.028. This section and chapter 536 are nonseverable and
387 if any of the powers vested with the general assembly
388 pursuant to chapter 536 to review, to delay the effective
389 date, or to disapprove and annul a rule are subsequently
390 held unconstitutional, then the grant of rulemaking
391 authority and any rule proposed or adopted after August 28,
392 2005, shall be invalid and void.

393 3. The MO HealthNet division may require any
394 participant receiving MO HealthNet benefits to pay part of
395 the charge or cost until July 1, 2008, and an additional
396 payment after July 1, 2008, as defined by rule duly
397 promulgated by the MO HealthNet division, for all covered

398 services except for those services covered under
399 subdivisions (15) and (16) of subsection 1 of this section
400 and sections 208.631 to 208.657 to the extent and in the
401 manner authorized by Title XIX of the federal Social
402 Security Act (42 U.S.C. Section 1396, et seq.) and
403 regulations thereunder. When substitution of a generic drug
404 is permitted by the prescriber according to section 338.056,
405 and a generic drug is substituted for a name-brand drug, the
406 MO HealthNet division may not lower or delete the
407 requirement to make a co-payment pursuant to regulations of
408 Title XIX of the federal Social Security Act. A provider of
409 goods or services described under this section must collect
410 from all participants the additional payment that may be
411 required by the MO HealthNet division under authority
412 granted herein, if the division exercises that authority, to
413 remain eligible as a provider. Any payments made by
414 participants under this section shall be in addition to and
415 not in lieu of payments made by the state for goods or
416 services described herein except the participant portion of
417 the pharmacy professional dispensing fee shall be in
418 addition to and not in lieu of payments to pharmacists. A
419 provider may collect the co-payment at the time a service is
420 provided or at a later date. A provider shall not refuse to
421 provide a service if a participant is unable to pay a
422 required payment. If it is the routine business practice of
423 a provider to terminate future services to an individual
424 with an unclaimed debt, the provider may include uncollected
425 co-payments under this practice. Providers who elect not to
426 undertake the provision of services based on a history of
427 bad debt shall give participants advance notice and a
428 reasonable opportunity for payment. A provider,
429 representative, employee, independent contractor, or agent
430 of a pharmaceutical manufacturer shall not make co-payment

431 for a participant. This subsection shall not apply to other
432 qualified children, pregnant women, or blind persons. If
433 the Centers for Medicare and Medicaid Services does not
434 approve the MO HealthNet state plan amendment submitted by
435 the department of social services that would allow a
436 provider to deny future services to an individual with
437 uncollected co-payments, the denial of services shall not be
438 allowed. The department of social services shall inform
439 providers regarding the acceptability of denying services as
440 the result of unpaid co-payments.

441 4. The MO HealthNet division shall have the right to
442 collect medication samples from participants in order to
443 maintain program integrity.

444 5. Reimbursement for obstetrical and pediatric
445 services under subdivision (6) of subsection 1 of this
446 section shall be timely and sufficient to enlist enough
447 health care providers so that care and services are
448 available under the state plan for MO HealthNet benefits at
449 least to the extent that such care and services are
450 available to the general population in the geographic area,
451 as required under subparagraph (a) (30) (A) of 42 U.S.C.
452 Section 1396a and federal regulations promulgated thereunder.

453 6. Beginning July 1, 1990, reimbursement for services
454 rendered in federally funded health centers shall be in
455 accordance with the provisions of subsection 6402(c) and
456 Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation
457 Act of 1989) and federal regulations promulgated thereunder.

458 7. Beginning July 1, 1990, the department of social
459 services shall provide notification and referral of children
460 below age five, and pregnant, breast-feeding, or postpartum
461 women who are determined to be eligible for MO HealthNet
462 benefits under section 208.151 to the special supplemental
463 food programs for women, infants and children administered

464 by the department of health and senior services. Such
465 notification and referral shall conform to the requirements
466 of Section 6406 of P.L. 101-239 and regulations promulgated
467 thereunder.

468 8. Providers of long-term care services shall be
469 reimbursed for their costs in accordance with the provisions
470 of Section 1902 (a) (13) (A) of the Social Security Act, 42
471 U.S.C. Section 1396a, as amended, and regulations
472 promulgated thereunder.

473 9. Reimbursement rates to long-term care providers
474 with respect to a total change in ownership, at arm's
475 length, for any facility previously licensed and certified
476 for participation in the MO HealthNet program shall not
477 increase payments in excess of the increase that would
478 result from the application of Section 1902 (a) (13) (C) of
479 the Social Security Act, 42 U.S.C. Section 1396a (a) (13) (C).

480 10. The MO HealthNet division may enroll qualified
481 residential care facilities and assisted living facilities,
482 as defined in chapter 198, as MO HealthNet personal care
483 providers.

484 11. Any income earned by individuals eligible for
485 certified extended employment at a sheltered workshop under
486 chapter 178 shall not be considered as income for purposes
487 of determining eligibility under this section.

488 12. If the Missouri Medicaid audit and compliance unit
489 changes any interpretation or application of the
490 requirements for reimbursement for MO HealthNet services
491 from the interpretation or application that has been applied
492 previously by the state in any audit of a MO HealthNet
493 provider, the Missouri Medicaid audit and compliance unit
494 shall notify all affected MO HealthNet providers five
495 business days before such change shall take effect. Failure
496 of the Missouri Medicaid audit and compliance unit to notify

497 a provider of such change shall entitle the provider to
498 continue to receive and retain reimbursement until such
499 notification is provided and shall waive any liability of
500 such provider for recoupment or other loss of any payments
501 previously made prior to the five business days after such
502 notice has been sent. Each provider shall provide the
503 Missouri Medicaid audit and compliance unit a valid email
504 address and shall agree to receive communications
505 electronically. The notification required under this
506 section shall be delivered in writing by the United States
507 Postal Service or electronic mail to each provider.

508 13. Nothing in this section shall be construed to
509 abrogate or limit the department's statutory requirement to
510 promulgate rules under chapter 536.

511 14. Beginning July 1, 2016, and subject to
512 appropriations, providers of behavioral, social, and
513 psychophysiological services for the prevention, treatment,
514 or management of physical health problems shall be
515 reimbursed utilizing the behavior assessment and
516 intervention reimbursement codes 96150 to 96154 or their
517 successor codes under the Current Procedural Terminology
518 (CPT) coding system. Providers eligible for such
519 reimbursement shall include psychologists.

208.437. 1. A Medicaid managed care organization
2 reimbursement allowance period as provided in sections
3 208.431 to 208.437 shall be from the first day of July to
4 the thirtieth day of June. The department shall notify each
5 Medicaid managed care organization with a balance due on the
6 thirtieth day of June of each year the amount of such
7 balance due. If any managed care organization fails to pay
8 its managed care organization reimbursement allowance within
9 thirty days of such notice, the reimbursement allowance

10 shall be delinquent. The reimbursement allowance may remain
11 unpaid during an appeal.

12 2. Except as otherwise provided in this section, if
13 any reimbursement allowance imposed under the provisions of
14 sections 208.431 to 208.437 is unpaid and delinquent, the
15 department of social services may compel the payment of such
16 reimbursement allowance in the circuit court having
17 jurisdiction in the county where the main offices of the
18 Medicaid managed care organization are located. In
19 addition, the director of the department of social services
20 or the director's designee may cancel or refuse to issue,
21 extend or reinstate a Medicaid contract agreement to any
22 Medicaid managed care organization which fails to pay such
23 delinquent reimbursement allowance required by sections
24 208.431 to 208.437 unless under appeal.

25 3. Except as otherwise provided in this section,
26 failure to pay a delinquent reimbursement allowance imposed
27 under sections 208.431 to 208.437 shall be grounds for
28 denial, suspension or revocation of a license granted by the
29 department of commerce and insurance. The director of the
30 department of commerce and insurance may deny, suspend or
31 revoke the license of a Medicaid managed care organization
32 with a contract under 42 U.S.C. Section 1396b(m) which fails
33 to pay a managed care organization's delinquent
34 reimbursement allowance unless under appeal.

35 4. Nothing in sections 208.431 to 208.437 shall be
36 deemed to effect or in any way limit the tax-exempt or
37 nonprofit status of any Medicaid managed care organization
38 with a contract under 42 U.S.C. Section 1396b(m) granted by
39 state law.

40 5. Sections 208.431 to 208.437 shall expire on
41 September 30, [2021] 2022.

208.480. Notwithstanding the provisions of section
2 208.471 to the contrary, sections 208.453 to 208.480 shall
3 expire on September 30, ~~[2021]~~ 2022.

261.021. 1. As used in this section, the term
2 "socially disadvantaged community" means an area containing
3 a group of individuals whose members have been subjected to
4 racial or ethnic prejudice because of the identity of such
5 individuals as members of a group without regard to the
6 individual qualities of such individuals.

7 2. There is hereby created within the department of
8 agriculture the "Socially Disadvantaged Communities Outreach
9 Program" to connect historically unserved and underserved
10 urban communities with access to healthy fresh food and
11 knowledge and skills related to food production.

12 3. The outreach program shall:

13 (1) Provide financial assistance for people growing
14 food in socially disadvantaged communities through programs
15 such as those authorized in section 135.1610;

16 (2) Encourage activities that support and promote
17 urban agriculture in socially disadvantaged communities;

18 (3) Provide educational and skills training related to
19 food production in socially disadvantaged communities; and

20 (4) Address food deserts in urban socially
21 disadvantaged communities.

22 4. The department shall designate an employee to
23 administer and monitor the socially disadvantaged
24 communities outreach program and to serve as a liaison to
25 affected communities. The duties of such employee shall
26 include, but not be limited to:

27 (1) Providing leadership at the state level to
28 encourage participation in programs to meet the goals under
29 subsections 2 and 3 of this section;

30 (2) Conducting workshops and other sessions that
31 provide educational and skills training related to food
32 production to residents of socially disadvantaged
33 communities; and

34 (3) Seeking grants, private donations, or other
35 funding sources to support the socially disadvantaged
36 communities outreach program.

37 5. On or before December thirty-first of each year,
38 the department shall submit a report to the general assembly
39 detailing the number of residents who received training
40 under this section, the number of tax credits issued under
41 section 135.1610, and any recommendations for legislative
42 action to improve the program.

 288.132. 1. There is hereby created in the state
2 treasury the "Unemployment Automation Fund", which shall
3 consist of money collected under subsection 1 of section
4 ~~[288.131]~~ 288.133, and such other state funds appropriated
5 by the general assembly. The state treasurer shall be
6 custodian of the fund and may approve disbursements from the
7 fund in accordance with sections 30.170 and 30.180. Upon
8 appropriation, money in the fund shall be used solely for
9 the purpose of providing automated systems, and the payment
10 of associated costs, to improve the administration of the
11 state's unemployment insurance program. Notwithstanding the
12 provisions of section 33.080 to the contrary, all moneys
13 remaining in the fund at the end of the biennium shall not
14 revert to the credit of the general revenue fund. The state
15 treasurer shall invest moneys in the fund in the same manner
16 as other funds are invested. Any interest and money earned
17 on such investments shall be credited to the fund.

18 2. The unemployment automation fund shall not be used
19 in whole or in part for any purpose or in any manner that
20 would permit its substitution for, or a corresponding

21 reduction in, federal funds that would be available in its
22 absence to finance expenditures for the administration of
23 this chapter, or cause the appropriate agency of the United
24 States government to withhold any part of an administrative
25 grant which would otherwise be made.

2 288.133. 1. Each employer liable for contributions
3 under this chapter, except for any employer with a
4 contribution rate equal to zero, shall pay an annual
5 unemployment automation adjustment in an amount equal to
6 fifteen-thousandths of one percent of such employer's total
7 taxable wages for the twelve-month period ending the
8 preceding June thirtieth.

9 2. Notwithstanding subsection 1 of this section to the
10 contrary, the division may reduce the automation adjustment
11 percentage to ensure that the total amount of adjustment due
12 from all employers under this section shall not exceed five
13 million dollars annually.

14 3. Each employer required to pay an automation
15 adjustment shall be notified of the amount due under this
16 section by March thirty-first of each year, and such amount
17 shall be considered delinquent thirty days thereafter.
18 Delinquent unemployment automation adjustment amounts may be
19 collected in the manner provided under sections 288.160 and
20 288.170. All moneys collected under this section shall be
21 deposited in the unemployment automation fund established in
22 section 288.132.

23 4. For the first quarter of each calendar year, the
24 total amount of contributions otherwise due from an employer
25 required to pay contributions under this chapter shall be
26 reduced by the dollar amount of unemployment automation
27 adjustment due from such employer under subsection 1 of this
section; provided, however, that the amount of contributions

28 due from such employer for the first quarter of the calendar
29 year in question shall not be reduced below zero.

30 5. Under section 23.253 of the Missouri Sunset Act:

31 (1) The provisions of the new program authorized under
32 section 288.133 shall automatically sunset one year after
33 the effective date of this section, unless reauthorized by
34 an act of the general assembly;

35 (2) If such program is reauthorized, the program
36 authorized under this section, shall automatically sunset
37 one year after the effective date of the reauthorization of
38 this section; and

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

338.550. 1. The pharmacy tax required by sections
2 338.500 to 338.550 shall expire ninety days after any one or
3 more of the following conditions are met:

4 (1) The aggregate dispensing fee as appropriated by
5 the general assembly paid to pharmacists per prescription is
6 less than the fiscal year 2003 dispensing fees reimbursement
7 amount; or

8 (2) The formula used to calculate the reimbursement as
9 appropriated by the general assembly for products dispensed
10 by pharmacies is changed resulting in lower reimbursement to
11 the pharmacist in the aggregate than provided in fiscal year
12 2003; or

13 (3) September 30, [2021] 2022.

14 The director of the department of social services shall
15 notify the revisor of statutes of the expiration date as
16 provided in this subsection. The provisions of sections
17 338.500 to 338.550 shall not apply to pharmacies domiciled
18 or headquartered outside this state which are engaged in
19 prescription drug sales that are delivered directly to

20 patients within this state via common carrier, mail or a
21 carrier service.

22 2. Sections 338.500 to 338.550 shall expire on
23 September 30, ~~[2021]~~ 2022.

620.1039. 1. As used in this section, the [term]
2 following terms shall mean:

3 (1) "Additional qualified research expenses", the
4 difference between qualified research expenses, as certified
5 by the director of economic development, incurred in a tax
6 year subtracted by the average of the taxpayer's qualified
7 research expenses incurred in the three immediately
8 preceding tax years;

9 (2) "Minority business enterprise", a business that is:

10 (a) A sole proprietorship owned and controlled by a
11 minority;

12 (b) A partnership or joint venture owned and
13 controlled by minorities in which at least fifty-one percent
14 of the ownership interest is held by minorities and the
15 management and daily business operations of which are
16 controlled by one or more of the minorities who own it; or

17 (c) A corporation or other entity whose management and
18 daily business operations are controlled by one or more
19 minorities who own it and that is at least fifty-one percent
20 owned by one or more minorities or, if stock is issued, at
21 least fifty-one percent of the stock is owned by one or more
22 minorities;

23 (3) "Missouri qualified research and development
24 equipment", tangible personal property that has not
25 previously been used in this state for any purpose and is
26 acquired by the purchaser for the purpose of research and
27 development activities devoted to experimental or laboratory
28 research and development for new products, new uses of
29 existing products, or improving or testing existing products;

30 (4) "Qualified research expenses", for expenses within
31 this state, the same meaning as prescribed in 26 U.S.C. 41;

32 (5) "Small business", a corporation, partnership, sole
33 proprietorship or other business entity, including its
34 affiliates, that:

35 (a) Is independently owned and operated; and

36 (b) Employs fifty or fewer full-time employees;

37 (6) "Taxpayer" [means], an individual, a partnership,
38 or any charitable organization which is exempt from federal
39 income tax and whose Missouri unrelated business taxable
40 income, if any, would be subject to the state income tax
41 imposed under chapter 143, or a corporation as described in
42 section 143.441 or 143.471, or section 148.370[, and the
43 term "qualified research expenses" has the same meaning as
44 prescribed in 26 U.S.C. 41];

45 (7) "Women's business enterprise", a business that is:

46 (a) A sole proprietorship owned and controlled by a
47 woman;

48 (b) A partnership or joint venture owned and
49 controlled by women in which at least fifty-one percent of
50 the ownership interest is held by women and the management
51 and daily business operations of which are controlled by one
52 or more of the women who own it; or

53 (c) A corporation or other entity whose management and
54 daily business operations are controlled by one or more
55 women who own it and that is at least fifty-one percent
56 owned by women or, if stock is issued, at least fifty-one
57 percent of the stock is owned by one or more women.

58 2. (1) For tax years beginning on or after January 1,
59 2001, and ending before January 1, 2005, the director of the
60 department of economic development may authorize a taxpayer
61 to receive a tax credit against the tax otherwise due
62 pursuant to chapter 143, or chapter 148, other than the

63 taxes withheld pursuant to sections 143.191 to 143.265, in
64 an amount up to six and one-half percent of the excess of
65 the taxpayer's qualified research expenses, as certified by
66 the director of the department of economic development,
67 within this state during the taxable year over the average
68 of the taxpayer's qualified research expenses within this
69 state over the immediately preceding three taxable years;
70 except that, no tax credit shall be allowed on that portion
71 of the taxpayer's qualified research expenses incurred
72 within this state during the taxable year in which the
73 credit is being claimed, to the extent such expenses exceed
74 two hundred percent of the taxpayer's average qualified
75 research expenses incurred during the immediately preceding
76 three taxable years.

77 (2) For all tax years beginning on or after January 1,
78 2022, the director of economic development may authorize a
79 taxpayer to receive a tax credit against the tax otherwise
80 due under chapters 143 and 148, other than the taxes
81 withheld under sections 143.191 to 143.265 in an amount
82 equal to the greater of:

83 (a) Fifteen percent of the taxpayer's additional
84 qualified research expenses; or

85 (b) If such qualified research expenses relate to
86 research conducted in conjunction with a public or private
87 college or university located in this state, twenty percent
88 of the taxpayer's additional qualified research expenses.

89 However, in no case shall a tax credit be allowed for any
90 portion of qualified research expenses that exceed two
91 hundred percent of the taxpayer's average qualified research
92 expenses incurred during the three immediately preceding tax
93 years.

94 3. The director of economic development shall
95 prescribe the manner in which the tax credit may be applied

96 for. The tax credit authorized by this section may be
97 claimed by the taxpayer to offset the tax liability imposed
98 by chapter 143 or chapter 148 that becomes due in the tax
99 year during which such qualified research expenses were
100 incurred. For tax years ending before January 1, 2005,
101 where the amount of the credit exceeds the tax liability,
102 the difference between the credit and the tax liability may
103 only be carried forward for the next five succeeding taxable
104 years or until the full credit has been claimed, whichever
105 first occurs. For all tax years beginning on or after
106 January 1, 2022, where the amount of the credit exceeds the
107 tax liability, the difference between the credit and the tax
108 liability may only be carried forward for the next twelve
109 succeeding tax years or until the full credit has been
110 claimed, whichever occurs first. The application for tax
111 credits authorized by the director pursuant to subsection 2
112 of this section shall be made no later than the end of the
113 taxpayer's tax period immediately following the tax period
114 for which the credits are being claimed.

115 4. [Certificates of tax credit issued pursuant to this
116 section may be transferred, sold or assigned by filing a
117 notarized endorsement thereof with the department which
118 names the transferee and the amount of tax credit
119 transferred. The director of economic development may allow
120 a taxpayer to transfer, sell or assign up to forty percent
121 of the amount of the certificates of tax credit issued to
122 and not claimed by such taxpayer pursuant to this section
123 during any tax year commencing on or after January 1, 1996,
124 and ending not later than December 31, 1999. Such taxpayer
125 shall file, by December 31, 2001, an application with the
126 department which names the transferee, the amount of tax
127 credit desired to be transferred, and a certification that
128 the funds received by the applicant as a result of the

129 transfer, sale or assignment of the tax credit shall be
130 expended within three years at the state university for the
131 sole purpose of conducting research activities agreed upon
132 by the department, the taxpayer and the state university.
133 Failure to expend such funds in the manner prescribed
134 pursuant to this section shall cause the applicant to be
135 subject to the provisions of section 620.017.] Tax credits
136 provided under this program may be transferred, sold, or
137 assigned by filing a notarized endorsement thereof with the
138 department that names the transferee, the amount of tax
139 credit transferred, and the value received for the credit,
140 as well as any other information reasonably requested by the
141 department. For a taxpayer with flow-through tax treatment
142 to its members, partners, or shareholders, the tax credit
143 shall be allowed to members, partners, or shareholders in
144 proportion to their share of ownership on the last day of
145 the taxpayer's tax period.

146 5. [No rule or portion of a rule promulgated under the
147 authority of this section shall become effective unless it
148 has been promulgated pursuant to the provisions of chapter
149 536. All rulemaking authority delegated prior to June 27,
150 1997, is of no force and effect and repealed; however,
151 nothing in this section shall be interpreted to repeal or
152 affect the validity of any rule filed or adopted prior to
153 June 27, 1997, if such rule complied with the provisions of
154 chapter 536. The provisions of this section and chapter 536
155 are nonseverable and if any of the powers vested with the
156 general assembly pursuant to chapter 536, including the
157 ability to review, to delay the effective date, or to
158 disapprove and annul a rule or portion of a rule, are
159 subsequently held unconstitutional, then the purported grant
160 of rulemaking authority and any rule so proposed and
161 contained in the order of rulemaking shall be invalid and

162 void.] Purchases of Missouri qualified research and
163 development equipment are hereby specifically exempted from
164 all state and local sales and use tax including, but not
165 limited to, sales and use tax authorized or imposed under
166 section 32.085 and chapter 144.

167 6. The department may adopt such rules, statements of
168 policy, procedures, forms, and guidelines as may be
169 necessary to carry out the provisions of this section. Any
170 rule or portion of a rule, as that term is defined in
171 section 536.010, that is created under the authority
172 delegated in this section shall become effective only if it
173 complies with and is subject to all of the provisions of
174 chapter 536 and, if applicable, section 536.028. This
175 section and chapter 536 are nonseverable and if any of the
176 powers vested with the general assembly pursuant to chapter
177 536 to review, to delay the effective date, or to disapprove
178 and annul a rule are subsequently held unconstitutional,
179 then the grant of rulemaking authority and any rule proposed
180 or adopted after August 28, 2021, shall be invalid and void.

181 7. (1) For tax years ending before January 1, 2005,
182 the aggregate of all tax credits authorized pursuant to this
183 section shall not exceed nine million seven hundred thousand
184 dollars in any year.

185 (2) (a) For all tax years beginning on or after
186 January 1, 2022, the aggregate of all tax credits authorized
187 under this section shall not exceed ten million dollars in
188 any year.

189 (b) Five million dollars of such ten million dollars
190 shall be reserved for minority business enterprises, women's
191 business enterprises, and small businesses. Any reserved
192 amount not issued or awarded to a minority business
193 enterprise, women's business enterprise, or small business
194 by November first of the tax year may be issued to any

195 taxpayer otherwise eligible for a tax credit under this
196 section.

197 (c) No single taxpayer shall be issued or awarded more
198 than three hundred thousand dollars in tax credits under
199 this section in any year.

200 (d) In the event that total eligible claims for
201 credits received in a calendar year exceed the annual cap,
202 each eligible claimant shall be issued credits based upon a
203 pro-rata basis, given that all new businesses, defined as a
204 business less than five years old, are issued full tax
205 credits first.

206 [7. For all tax years beginning on or after January 1,
207 2005, no tax credits shall be approved, awarded, or issued
208 to any person or entity claiming any tax credit under this
209 section.]

210 8. Under section 23.253 of the Missouri sunset act:

211 (1) The provisions of the program authorized under
212 this section shall automatically sunset December thirty-
213 first, six years after the effective date of this section;

214 (2) If such program is reauthorized, the program
215 authorized under this section shall automatically sunset
216 December thirty-first, twelve years after the effective date
217 of the reauthorization of this section; and

218 (3) This section shall terminate on December thirty-
219 first of the calendar year immediately following the
220 calendar year in which the program authorized under this
221 section is sunset.

620.2020. 1. The department shall respond to a
2 written request, by or on behalf of a qualified company or
3 qualified military project, for a proposed benefit award
4 under the provisions of this program within five business
5 days of receipt of such request. The department shall
6 respond to a written request, by or on behalf of a qualified

7 manufacturing company, for a proposed benefit award under
8 the provisions of this program within fifteen business days
9 of receipt of such request. Such response shall contain
10 either a proposal of benefits for the qualified company or
11 qualified military project, or a written response refusing
12 to provide such a proposal and stating the reasons for such
13 refusal. A qualified company or qualified military project
14 that intends to seek benefits under the program shall submit
15 to the department a notice of intent. The department shall
16 respond within thirty days to a notice of intent with an
17 approval or a rejection, provided that the department may
18 withhold approval or provide a contingent approval until it
19 is satisfied that proper documentation of eligibility has
20 been provided. The department shall certify or reject the
21 qualifying company's plan outlined in their notice of intent
22 as satisfying good faith efforts made to employ, at a
23 minimum, commensurate with the percentage of minority
24 populations in the state of Missouri, as reported in the
25 previous decennial census, the following: racial minorities,
26 contractors who are racial minorities, and contractors that,
27 in turn, employ at a minimum racial minorities commensurate
28 with the percentage of minority populations in the state of
29 Missouri, as reported in the previous decennial census.
30 Failure to respond on behalf of the department shall result
31 in the notice of intent being deemed approved. A qualified
32 company receiving approval for program benefits may receive
33 additional benefits for subsequent new jobs at the same
34 facility after the full initial project period if the
35 applicable minimum job requirements are met. There shall be
36 no limit on the number of project periods a qualified
37 company may participate in the program, and a qualified
38 company may elect to file a notice of intent to begin a new
39 project period concurrent with an existing project period if

40 the applicable minimum job requirements are achieved, the
41 qualified company provides the department with the required
42 annual reporting, and the qualified company is in compliance
43 with this program and any other state programs in which the
44 qualified company is currently or has previously
45 participated. However, the qualified company shall not
46 receive any further program benefits under the original
47 approval for any new jobs created after the date of the new
48 notice of intent, and any jobs created before the new notice
49 of intent shall not be included as new jobs for purposes of
50 the benefit calculation for the new approval. When a
51 qualified company has filed and received approval of a
52 notice of intent and subsequently files another notice of
53 intent, the department shall apply the definition of project
54 facility under subdivision (24) of section 620.2005 to the
55 new notice of intent as well as all previously approved
56 notices of intent and shall determine the application of the
57 definitions of new job, new payroll, project facility base
58 employment, and project facility base payroll accordingly.

59 2. Notwithstanding any provision of law to the
60 contrary, the benefits available to the qualified company
61 under any other state programs for which the company is
62 eligible and which utilize withholding tax from the new or
63 retained jobs of the company shall first be credited to the
64 other state program before the withholding retention level
65 applicable under this program will begin to accrue. If any
66 qualified company also participates in a job training
67 program utilizing withholding tax, the company shall retain
68 no withholding tax under this program, but the department
69 shall issue a refundable tax credit for the full amount of
70 benefit allowed under this program. The calendar year
71 annual maximum amount of tax credits which may be issued to
72 a qualifying company that also participates in a job

73 training program shall be increased by an amount equivalent
74 to the withholding tax retained by that company under a jobs
75 training program.

76 3. (1) A qualified company or qualified military
77 project receiving benefits under this program shall provide
78 an annual report of the number of jobs, along with minority
79 jobs created or retained, and such other information as may
80 be required by the department to document the basis for
81 program benefits available no later than ninety days prior
82 to the end of the qualified company's or industrial
83 development authority's tax year immediately following the
84 tax year for which the benefits provided under the program
85 are attributed. In such annual report, if the average wage
86 is below the applicable percentage of the county average
87 wage, the qualified company or qualified military project
88 has not maintained the employee insurance as required, if
89 the department after a review determines the qualifying
90 company fails to satisfy other aspects of their notice of
91 intent, including failure to make good faith efforts to
92 employ, at a minimum, commensurate with the percentage of
93 minority populations in the state of Missouri, as reported
94 in the previous decennial census, the following: racial
95 minorities, contractors who are racial minorities, and
96 contractors that, in turn, employ at a minimum racial
97 minorities commensurate with the percentage of minority
98 populations in the state of Missouri, as reported in the
99 previous decennial census, or if the number of jobs is below
100 the number required, the qualified company or qualified
101 military project shall not receive tax credits or retain the
102 withholding tax for the balance of the project period.
103 Failure to timely file the annual report required under this
104 section shall result in the forfeiture of tax credits
105 attributable to the year for which the reporting was

106 required and a recapture of withholding taxes retained by
107 the qualified company or qualified military project during
108 such year.

109 (2) If a qualified company fails to timely file the
110 annual report required in subdivision (1) of this
111 subsection, the department shall communicate with an
112 employee that is separate from the original point of contact
113 for the department, provided such employee is designated in
114 writing by the qualified company and preferably of an
115 equivalent or higher supervisory role than the original
116 point of contact, and using multiple means of communications
117 if necessary, to inform the qualified company of the failure
118 to timely file the annual report. If the qualified company
119 requests an extension in writing to the department within
120 thirty days following the deadline to file the annual
121 report, the department shall grant one thirty-day extension
122 beginning on the date that the request was received by the
123 department to file the report without penalty. A failure to
124 submit the report by the end of any extension granted by the
125 department shall result in the forfeiture of tax credits and
126 a recapture of withholding tax as provided in subdivision
127 (1) of this subsection. A qualified company that had an
128 annual report due between January 1, 2020, and September 1,
129 2021, shall not be subject to the forfeiture of tax credits
130 attributable to the year for which the reporting was
131 required or to the recapture of withholding taxes retained
132 by the qualified company or qualified military project
133 during such year so long as the annual report is filed with
134 the department by November 1, 2021.

135 4. The department may withhold the approval of any
136 benefits under this program until it is satisfied that
137 proper documentation has been provided, and shall reduce the
138 benefits to reflect any reduction in full-time employees or

139 payroll. Upon approval by the department, the qualified
140 company may begin the retention of the withholding taxes
141 when it reaches the required number of jobs and the average
142 wage meets or exceeds the applicable percentage of county
143 average wage. Tax credits, if any, may be issued upon
144 satisfaction by the department that the qualified company
145 has exceeded the applicable percentage of county average
146 wage and the required number of jobs; provided that, tax
147 credits awarded under subsection 7 of section 620.2010 may
148 be issued following the qualified company's acceptance of
149 the department's proposal and pursuant to the requirements
150 set forth in the written agreement between the department
151 and the qualified company under subsection 4 of section
152 620.2010.

153 5. Any qualified company or qualified military project
154 approved for benefits under this program shall provide to
155 the department, upon request, any and all information and
156 records reasonably required to monitor compliance with
157 program requirements. This program shall be considered a
158 business recruitment tax credit under subdivision (4) of
159 subsection 2 of section 135.800, and any qualified company
160 or qualified military project approved for benefits under
161 this program shall be subject to the provisions of sections
162 135.800 to 135.830.

163 6. Any taxpayer who is awarded benefits under this
164 program who knowingly hires individuals who are not allowed
165 to work legally in the United States shall immediately
166 forfeit such benefits and shall repay the state an amount
167 equal to any state tax credits already redeemed and any
168 withholding taxes already retained.

169 7. (1) The maximum amount of tax credits that may be
170 authorized under this program for any fiscal year shall be
171 limited as follows, less the amount of any tax credits

172 previously obligated for that fiscal year under any of the
173 tax credit programs referenced in subsection 14 of this
174 section:

175 (a) For the fiscal year beginning on July 1, 2013, but
176 ending on or before June 30, 2014, no more than one hundred
177 six million dollars in tax credits may be authorized;

178 (b) For the fiscal year beginning on July 1, 2014, but
179 ending on or before June 30, 2015, no more than one hundred
180 eleven million dollars in tax credits may be authorized;

181 (c) For fiscal years beginning on or after July 1,
182 2015, but ending on or before June 30, 2020, no more than
183 one hundred sixteen million dollars in tax credits may be
184 authorized for each fiscal year; and

185 (d) For all fiscal years beginning on or after July 1,
186 2020, no more than one hundred six million dollars in tax
187 credits may be authorized for each fiscal year. The
188 provisions of this paragraph shall not apply to tax credits
189 issued to qualified companies under a notice of intent filed
190 prior to July 1, 2020.

191 (2) For all fiscal years beginning on or after July 1,
192 2020, in addition to the amount of tax credits that may be
193 authorized under paragraph (d) of subdivision (1) of this
194 subsection, an additional ten million dollars in tax credits
195 may be authorized for each fiscal year for the purpose of
196 the completion of infrastructure projects directly connected
197 with the creation or retention of jobs under the provisions
198 of sections 620.2000 to 620.2020 and an additional ten
199 million dollars in tax credits may be authorized for each
200 fiscal year for a qualified manufacturing company based on a
201 manufacturing capital investment as set forth in section
202 620.2010.

203 8. For all fiscal years beginning on or after July 1,
204 2020, the maximum total amount of withholding tax that may

205 be authorized for retention for the creation of new jobs
206 under the provisions of sections 620.2000 to 620.2020 by
207 qualified companies with a project facility base employment
208 of at least fifty shall not exceed seventy-five million
209 dollars for each fiscal year. The provisions of this
210 subsection shall not apply to withholding tax authorized for
211 retention for the creation of new jobs by qualified
212 companies with a project facility base employment of less
213 than fifty.

214 9. For tax credits for the creation of new jobs under
215 section 620.2010, the department shall allocate the annual
216 tax credits based on the date of the approval, reserving
217 such tax credits based on the department's best estimate of
218 new jobs and new payroll of the project, and any other
219 applicable factors in determining the amount of benefits
220 available to the qualified company or qualified military
221 project under this program; provided that, the department
222 may reserve up to twenty-one and one-half percent of the
223 maximum annual amount of tax credits that may be authorized
224 under subsection 7 of this section for award under
225 subsection 7 of section 620.2010. However, the annual
226 issuance of tax credits shall be subject to annual
227 verification of actual payroll by the department or, for
228 qualified military projects, annual verification of average
229 salary for the jobs directly created by the qualified
230 military project. Any authorization of tax credits shall
231 expire if, within two years from the date of commencement of
232 operations, or approval if applicable, the qualified company
233 has failed to meet the applicable minimum job requirements.
234 The qualified company may retain authorized amounts from the
235 withholding tax under the project once the applicable
236 minimum job requirements have been met for the duration of
237 the project period. No benefits shall be provided under

238 this program until the qualified company or qualified
239 military project meets the applicable minimum new job
240 requirements or, for benefits awarded under subsection 7 of
241 section 620.2010, until the qualified company has satisfied
242 the requirements set forth in the written agreement between
243 the department and the qualified company under subsection 4
244 of section 620.2010. In the event the qualified company or
245 qualified military project does not meet the applicable
246 minimum new job requirements, the qualified company or
247 qualified military project may submit a new notice of intent
248 or the department may provide a new approval for a new
249 project of the qualified company or qualified military
250 project at the project facility or other facilities.

251 10. Tax credits provided under this program may be
252 claimed against taxes otherwise imposed by chapters 143 and
253 148, and may not be carried forward, but shall be claimed
254 within one year of the close of the taxable year for which
255 they were issued. Tax credits provided under this program
256 may be transferred, sold, or assigned by filing a notarized
257 endorsement thereof with the department that names the
258 transferee, the amount of tax credit transferred, and the
259 value received for the credit, as well as any other
260 information reasonably requested by the department. For a
261 qualified company with flow-through tax treatment to its
262 members, partners, or shareholders, the tax credit shall be
263 allowed to members, partners, or shareholders in proportion
264 to their share of ownership on the last day of the qualified
265 company's tax period.

266 11. Prior to the issuance of tax credits or the
267 qualified company beginning to retain withholding taxes, the
268 department shall verify through the department of revenue
269 and any other applicable state department that the tax
270 credit applicant does not owe any delinquent income, sales,

271 or use tax or interest or penalties on such taxes, or any
272 delinquent fees or assessments levied by any state
273 department and through the department of commerce and
274 insurance that the applicant does not owe any delinquent
275 insurance taxes or other fees. Such delinquency shall not
276 affect the approval, except that any tax credits issued
277 shall be first applied to the delinquency and any amount
278 issued shall be reduced by the applicant's tax delinquency.
279 If the department of revenue, the department of commerce and
280 insurance, or any other state department concludes that a
281 taxpayer is delinquent after June fifteenth but before July
282 first of any year and the application of tax credits to such
283 delinquency causes a tax deficiency on behalf of the
284 taxpayer to arise, then the taxpayer shall be granted thirty
285 days to satisfy the deficiency in which interest, penalties,
286 and additions to tax shall be tolled. After applying all
287 available credits toward a tax delinquency, the
288 administering agency shall notify the appropriate department
289 and that department shall update the amount of outstanding
290 delinquent tax owed by the applicant. If any credits remain
291 after satisfying all insurance, income, sales, and use tax
292 delinquencies, the remaining credits shall be issued to the
293 applicant, subject to the restrictions of other provisions
294 of law.

295 12. The director of revenue shall issue a refund to
296 the qualified company to the extent that the amount of tax
297 credits allowed under this program exceeds the amount of the
298 qualified company's tax liability under chapter 143 or 148.

299 13. An employee of a qualified company shall receive
300 full credit for the amount of tax withheld as provided in
301 section 143.211.

302 14. Notwithstanding any provision of law to the
303 contrary, beginning August 28, 2013, no new benefits shall

304 be authorized for any project that had not received from the
305 department a proposal or approval for such benefits prior to
306 August 28, 2013, under the development tax credit program
307 created under sections 32.100 to 32.125, the rebuilding
308 communities tax credit program created under section
309 135.535, the enhanced enterprise zone tax credit program
310 created under sections 135.950 to 135.973, and the Missouri
311 quality jobs program created under sections 620.1875 to
312 620.1890. The provisions of this subsection shall not be
313 construed to limit or impair the ability of any
314 administering agency to authorize or issue benefits for any
315 project that had received an approval or a proposal from the
316 department under any of the programs referenced in this
317 subsection prior to August 28, 2013, or the ability of any
318 taxpayer to redeem any such tax credits or to retain any
319 withholding tax under an approval issued prior to that
320 date. The provisions of this subsection shall not be
321 construed to limit or in any way impair the ability of any
322 governing authority to provide any local abatement or
323 designate a new zone under the enhanced enterprise zone
324 program created by sections 135.950 to 135.963.

325 Notwithstanding any provision of law to the contrary, no
326 qualified company that is awarded benefits under this
327 program shall:

328 (1) Simultaneously receive benefits under the programs
329 referenced in this subsection at the same capital
330 investment; or

331 (2) Receive benefits under the provisions of section
332 620.1910 for the same jobs.

333 15. If any provision of sections 620.2000 to 620.2020
334 or application thereof to any person or circumstance is held
335 invalid, the invalidity shall not affect other provisions or
336 application of these sections which can be given effect

337 without the invalid provisions or application, and to this
338 end, the provisions of sections 620.2000 to 620.2020 are
339 hereby declared severable.

340 16. By no later than January 1, 2014, and the first
341 day of each calendar quarter thereafter, the department
342 shall present a quarterly report to the general assembly
343 detailing the benefits authorized under this program during
344 the immediately preceding calendar quarter to the extent
345 such information may be disclosed under state and federal
346 law. The report shall include, at a minimum:

347 (1) A list of all approved and disapproved applicants
348 for each tax credit;

349 (2) A list of the aggregate amount of new or retained
350 jobs that are directly attributable to the tax credits
351 authorized;

352 (3) A statement of the aggregate amount of new capital
353 investment directly attributable to the tax credits
354 authorized;

355 (4) Documentation of the estimated net state fiscal
356 benefit for each authorized project and, to the extent
357 available, the actual benefit realized upon completion of
358 such project or activity; and

359 (5) The department's response time for each request
360 for a proposed benefit award under this program.

361 17. The department may adopt such rules, statements of
362 policy, procedures, forms, and guidelines as may be
363 necessary to carry out the provisions of sections 620.2000
364 to 620.2020. Any rule or portion of a rule, as that term is
365 defined in section 536.010, that is created under the
366 authority delegated in this section shall become effective
367 only if it complies with and is subject to all of the
368 provisions of chapter 536 and, if applicable, section
369 536.028. This section and chapter 536 are nonseverable and

370 if any of the powers vested with the general assembly
371 pursuant to chapter 536 to review, to delay the effective
372 date, or to disapprove and annul a rule are subsequently
373 held unconstitutional, then the grant of rulemaking
374 authority and any rule proposed or adopted after August 28,
375 2013, shall be invalid and void.

376 18. Under section 23.253 of the Missouri sunset act:

377 (1) The provisions of the program authorized under
378 sections 620.2000 to 620.2020 shall be reauthorized as of
379 August 28, 2018, and shall expire on August 28, 2030; and

380 (2) If such program is reauthorized, the program
381 authorized under this section shall automatically sunset
382 twelve years after the effective date of the reauthorization
383 of sections 620.2000 to 620.2020; and

384 (3) Sections 620.2000 to 620.2020 shall terminate on
385 September first of the calendar year immediately following
386 the calendar year in which the program authorized under
387 sections 620.2000 to 620.2020 is sunset.

2 620.2250. 1. This section shall be known and may be
3 cited as the "Targeted Industrial Manufacturing Enhancement
4 Zones Act".

5 2. As used in this section, the following terms shall
6 mean:

7 (1) "County average wage", the average wage in each
8 county as determined by the department for the most recently
9 completed full calendar year. However, if the computed
10 county average wage is above the statewide average wage, the
11 statewide average wage shall be deemed the county average
12 wage for such county for the purpose of determining
13 eligibility;

14 (2) "Department", the Missouri department of economic
development;

15 (3) "New job", the number of full-time employees
16 located at the project facility that exceeds the project
17 facility base employment less any decrease in the number of
18 full-time employees at related facilities below the related
19 facility base employment. No job that was created prior to
20 the date of the completion of an agreement pursuant to
21 subsection 6 of this section and no job that is relocated
22 from another location within this state shall be deemed a
23 new job. An employee that spends less than fifty percent of
24 the employee's work time at the facility is still considered
25 to be located at a facility if the employee receives his or
26 her directions and control from that facility, is on the
27 facility's payroll, one hundred percent of the employee's
28 income from such employment is Missouri income, and the
29 employee is paid at or above the county average wage;

30 (4) "Political subdivision", a town, village, city, or
31 county located in this state;

32 (5) "Related facility", a facility operated by a
33 company or a related company prior to the establishment of
34 the TIME zone in question, and which is directly related to
35 the operations of the facility within the new TIME zone;

36 (6) "TIME zone", an area identified through an
37 ordinance or resolution passed pursuant to subsection 4 of
38 this section that is being developed or redeveloped for any
39 purpose so long as any infrastructure or building built or
40 improved is in the development area;

41 (7) "Zone board", the governing body of a TIME zone.

42 3. The governing bodies of at least two contiguous or
43 overlapping political subdivisions in this state may
44 establish one or more TIME zones, which shall be political
45 subdivisions of the state, for the purposes of completing
46 infrastructure projects to promote the economic development
47 of the region. Such zones may only include the area within

48 the governing bodies' jurisdiction, ownership, or control,
49 and may include any such area. The governing bodies shall
50 determine the boundaries for each TIME zone, and more than
51 one TIME zone may exist within the governing bodies'
52 jurisdiction or under the governing bodies' ownership or
53 control, and may be expanded or contracted by resolution of
54 the zone board.

55 4. (1) To establish a TIME zone, the governing bodies
56 of at least two political subdivisions shall each propose an
57 ordinance or resolution creating such zone. Such ordinance
58 or resolution shall set forth the names of the political
59 subdivisions which will form the TIME zone, the general
60 nature of the proposed improvements, the estimated cost of
61 such improvements, the boundaries of the proposed TIME zone,
62 and the estimated number of new jobs to be created in the
63 TIME zone. Prior to approving such ordinance or resolution,
64 each governing body shall hold a public hearing to consider
65 the creation of the TIME zone and the proposed improvements
66 therein. The governing bodies shall hear and pass upon all
67 objections to the TIME zone and the proposed improvements,
68 if any, and may amend the proposed improvements, and the
69 plans and specifications therefor.

70 (2) After the passage or adoption of the ordinance or
71 resolution creating the TIME Zone, governance of the TIME
72 zone shall be by the zone board, which shall consist of
73 seven members selected from the political subdivisions
74 creating the TIME zone. Members of a zone board shall
75 receive no salary or other compensation for their services
76 as members, but shall receive their necessary traveling and
77 other expenses incurred while actually engaged in the
78 discharge of their official duties. The zone board may
79 expand or contract such TIME zone through an ordinance or

80 resolution following a public hearing conducted to consider
81 such expansion or contraction.

82 5. The boundaries of the proposed TIME zone shall be
83 described by metes and bounds, streets, or other
84 sufficiently specific description.

85 6. (1) Prior to retaining any state withholding tax
86 pursuant to subsection 9 of this section, a zone board shall
87 enter into an agreement with the department. Such agreement
88 shall include, but shall not be limited to:

89 (a) The estimated number of new jobs to be created;

90 (b) The estimated average wage of new jobs to be
91 created;

92 (c) The estimated net fiscal impact of the new jobs;

93 (d) The estimated costs of the proposed improvements;

94 (e) The estimated amount of withholding tax to be
95 retained pursuant to subsection 9 of this section over the
96 period of the agreement; and

97 (f) A copy of the ordinance establishing the board and
98 a list of its members.

99 (2) The department shall not approve an agreement with
100 a zone board unless the zone board commits to creating the
101 following number of new jobs:

102 (a) For a TIME zone with a total population of less
103 than five thousand inhabitants as determined by the most
104 recent decennial census, a minimum of five new jobs with an
105 average wage that equals or exceeds ninety percent of the
106 county average wage;

107 (b) For a TIME zone with a total population of at
108 least five thousand inhabitants but less than fifty thousand
109 inhabitants as determined by the most recent decennial
110 census, a minimum of ten new jobs with an average wage that
111 equals or exceeds ninety percent of the county average wage;

112 (c) For a TIME zone with a total population of at
113 least fifty thousand inhabitants but less than one hundred
114 fifty thousand inhabitants as determined by the most recent
115 decennial census, a minimum of fifteen new jobs with an
116 average wage that equals or exceeds ninety percent of the
117 county average wage; and

118 (d) For a TIME zone with a total population of at
119 least one hundred fifty thousand inhabitants as determined
120 by the most recent decennial census, a minimum of twenty-
121 five new jobs with an average wage that equals or exceeds
122 ninety percent of the county average wage.

123 7. (1) The term of the agreement entered into
124 pursuant to subsection 6 of this section shall not exceed
125 ten years. A zone board may apply to the department for
126 approval to renew any agreement. Such application shall be
127 made on forms provided by the department. In determining
128 whether to approve the renewal of an agreement, the
129 department shall consider:

130 (a) The number of new jobs created and the average
131 wage and net fiscal impact of such jobs;

132 (b) The outstanding improvements to be made within the
133 TIME zone and the funding necessary to complete such
134 improvements; and

135 (c) Any other factor the department requires.

136 (2) The department may approve the renewal of an
137 agreement for a period not to exceed ten years. If a zone
138 board has not met the new job requirements pursuant to
139 subdivision (2) of subsection 6 of this section by the end
140 of the agreement, the department shall recapture from such
141 zone board the amount of withholding tax retained by the
142 zone board pursuant to this section and the department shall
143 not approve the renewal of an agreement with such zone board.

144 (3) A zone board shall not retain any withholding tax
145 pursuant to this section in excess of the costs of
146 improvements completed by the zone board.

147 8. If a qualified company is retaining withholding tax
148 pursuant to sections 620.2000 to 620.2020 for new jobs, as
149 such terms are defined in section 620.2005, that also
150 qualify for the retention of withholding tax pursuant to
151 this section, the department shall not authorize an
152 agreement pursuant to this section that results in more than
153 fifty percent of the withholding tax for such new jobs being
154 retained pursuant to this section and sections 620.2000 to
155 620.2020.

156 9. Upon the completion of an agreement pursuant to
157 subsection 6 of this section, twenty-five percent of the
158 state tax withholdings imposed by sections 143.191 to
159 143.265 on new jobs within a TIME zone after development or
160 redevelopment has commenced shall not be remitted to the
161 general revenue fund of the state of Missouri. Such moneys
162 shall be deposited into the TIME zone fund established
163 pursuant to subsection 10 of this section for the purpose of
164 continuing to expand, develop, and redevelop TIME zones
165 identified by the zone board, and may be used for
166 managerial, engineering, legal, research, promotion,
167 planning, and any other expenses.

168 10. There is hereby created in the state treasury the
169 "TIME Zone Fund", which shall consist of money collected
170 under this section. The state treasurer shall be custodian
171 of the fund and may approve disbursements from the fund in
172 accordance with sections 30.170 and 30.180 to the zone
173 boards of the TIME zones from which the funds were
174 collected, less the pro-rata portion appropriated by the
175 general assembly to be used solely for the administration of
176 this section, which shall not exceed ten percent of the

177 total amount collected within the TIME zones of a zone
178 board. Notwithstanding the provisions of section 33.080 to
179 the contrary, any moneys remaining in the fund at the end of
180 the biennium shall not revert to the credit of the general
181 revenue fund. The state treasurer shall invest moneys in
182 the fund in the same manner as other funds are invested.
183 Any interest and moneys earned on such investments shall be
184 credited to the fund.

185 11. The zone board shall approve projects consistent
186 with the provisions of this section that begin construction
187 and disburse any money collected under this section. The
188 zone board shall submit an annual budget for the funds to
189 the department explaining how and when such money will be
190 spent.

191 12. A zone board shall submit an annual report by
192 December thirty-first of each year to the department and the
193 general assembly. Such report shall include, but shall not
194 be limited to:

195 (1) The locations of the established TIME zones
196 governed by the zone board;

197 (2) The number of new jobs created within the TIME
198 zones governed by the zone board;

199 (3) The average wage of the new jobs created within
200 the TIME zones governed by the zone board;

201 (4) The improvements utilizing TIME zone funding;

202 (5) The amount of TIME zone funding utilized for each
203 improvement and the total amount of TIME zone funds
204 expended; and

205 (6) The amount of withholding tax retained pursuant to
206 subsection 9 of this section from new jobs created within
207 the TIME zones governed by the zone board.

208 13. No political subdivision shall establish a TIME
209 zone with boundaries that overlap the boundaries of an

210 advanced industrial manufacturing zone established pursuant
211 to section 68.075.

212 14. The total amount of withholding taxes retained by
213 all TIME zones pursuant to the provisions of this section
214 shall not exceed five million dollars per fiscal year.

215 15. The department may promulgate rules to implement
216 the provisions of this section. Any rule or portion of a
217 rule, as that term is defined in section 536.010, that is
218 created under the authority delegated in this section shall
219 become effective only if it complies with and is subject to
220 all of the provisions of chapter 536 and, if applicable,
221 section 536.028. This section and chapter 536 are
222 nonseverable and if any of the powers vested with the
223 general assembly pursuant to chapter 536 to review, to delay
224 the effective date, or to disapprove and annul a rule are
225 subsequently held unconstitutional, then the grant of
226 rulemaking authority and any rule proposed or adopted after
227 August 28, 2021, shall be invalid and void.

228 16. The provisions of section 23.253 notwithstanding,
229 no TIME zone may be established after August 28, 2024. Any
230 TIME zone created prior to such date shall continue to exist
231 and be coterminous with the retirement of any debts incurred
232 for improvements made within the TIME zone. No debts may be
233 incurred or reauthorized using TIME zone revenue after
234 August 28, 2024.

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

3 (1) "Engaging in the business of providing health
4 benefit services", accepting payment for health benefit
5 services;

6 (2) "Intermediate care facility for the intellectually
7 disabled", a private or department of mental health facility
8 which admits persons who are intellectually disabled or

9 developmentally disabled for residential habilitation and
10 other services pursuant to chapter 630. Such term shall
11 include habilitation centers and private or public
12 intermediate care facilities for the intellectually disabled
13 that have been certified to meet the conditions of
14 participation under 42 CFR, Section 483, Subpart I;

15 (3) "Net operating revenues from providing services of
16 intermediate care facilities for the intellectually
17 disabled" shall include, without limitation, all moneys
18 received on account of such services pursuant to rates of
19 reimbursement established and paid by the department of
20 social services, but shall not include charitable
21 contributions, grants, donations, bequests and income from
22 nonservice related fund-raising activities and government
23 deficit financing, contractual allowance, discounts or bad
24 debt;

25 (4) "Services of intermediate care facilities for the
26 intellectually disabled" has the same meaning as the term
27 services of intermediate care facilities for the mentally
28 retarded, as used in Title 42 United States Code, Section
29 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a
30 class of health care services recognized in federal Public
31 Law 102-234, the Medicaid Voluntary Contribution and
32 Provider-Specific Tax Amendments of 1991.

33 2. Beginning July 1, 2008, each provider of services
34 of intermediate care facilities for the intellectually
35 disabled shall, in addition to all other fees and taxes now
36 required or paid, pay assessments on their net operating
37 revenues for the privilege of engaging in the business of
38 providing services of the intermediate care facilities for
39 the intellectually disabled or developmentally disabled in
40 this state.

41 3. Each facility's assessment shall be based on a
42 formula set forth in rules and regulations promulgated by
43 the department of mental health.

44 4. For purposes of determining rates of payment under
45 the medical assistance program for providers of services of
46 intermediate care facilities for the intellectually
47 disabled, the assessment imposed pursuant to this section on
48 net operating revenues shall be a reimbursable cost to be
49 reflected as timely as practicable in rates of payment
50 applicable within the assessment period, contingent, for
51 payments by governmental agencies, on all federal approvals
52 necessary by federal law and regulation for federal
53 financial participation in payments made for beneficiaries
54 eligible for medical assistance under Title XIX of the
55 federal Social Security Act, 42 U.S.C. Section 1396, et
56 seq., as amended.

57 5. Assessments shall be submitted by or on behalf of
58 each provider of services of intermediate care facilities
59 for the intellectually disabled on a monthly basis to the
60 director of the department of mental health or his or her
61 designee and shall be made payable to the director of the
62 department of revenue.

63 6. In the alternative, a provider may direct that the
64 director of the department of social services offset, from
65 the amount of any payment to be made by the state to the
66 provider, the amount of the assessment payment owed for any
67 month.

68 7. Assessment payments shall be deposited in the state
69 treasury to the credit of the "Intermediate Care Facility
70 Intellectually Disabled Reimbursement Allowance Fund", which
71 is hereby created in the state treasury. All investment
72 earnings of this fund shall be credited to the fund.
73 Notwithstanding the provisions of section 33.080 to the

74 contrary, any unexpended balance in the intermediate care
75 facility intellectually disabled reimbursement allowance
76 fund at the end of the biennium shall not revert to the
77 general revenue fund but shall accumulate from year to
78 year. The state treasurer shall maintain records that show
79 the amount of money in the fund at any time and the amount
80 of any investment earnings on that amount.

81 8. Each provider of services of intermediate care
82 facilities for the intellectually disabled shall keep such
83 records as may be necessary to determine the amount of the
84 assessment for which it is liable under this section. On or
85 before the forty-fifth day after the end of each month
86 commencing July 1, 2008, each provider of services of
87 intermediate care facilities for the intellectually disabled
88 shall submit to the department of social services a report
89 on a cash basis that reflects such information as is
90 necessary to determine the amount of the assessment payable
91 for that month.

92 9. Every provider of services of intermediate care
93 facilities for the intellectually disabled shall submit a
94 certified annual report of net operating revenues from the
95 furnishing of services of intermediate care facilities for
96 the intellectually disabled. The reports shall be in such
97 form as may be prescribed by rule by the director of the
98 department of mental health. Final payments of the
99 assessment for each year shall be due for all providers of
100 services of intermediate care facilities for the
101 intellectually disabled upon the due date for submission of
102 the certified annual report.

103 10. The director of the department of mental health
104 shall prescribe by rule the form and content of any document
105 required to be filed pursuant to the provisions of this
106 section.

107 11. Upon receipt of notification from the director of
108 the department of mental health of a provider's delinquency
109 in paying assessments required under this section, the
110 director of the department of social services shall
111 withhold, and shall remit to the director of the department
112 of revenue, an assessment amount estimated by the director
113 of the department of mental health from any payment to be
114 made by the state to the provider.

115 12. In the event a provider objects to the estimate
116 described in subsection 11 of this section, or any other
117 decision of the department of mental health related to this
118 section, the provider of services may request a hearing. If
119 a hearing is requested, the director of the department of
120 mental health shall provide the provider of services an
121 opportunity to be heard and to present evidence bearing on
122 the amount due for an assessment or other issue related to
123 this section within thirty days after collection of an
124 amount due or receipt of a request for a hearing, whichever
125 is later. The director shall issue a final decision within
126 forty-five days of the completion of the hearing. After
127 reconsideration of the assessment determination and a final
128 decision by the director of the department of mental health,
129 an intermediate care facility for the intellectually
130 disabled provider's appeal of the director's final decision
131 shall be to the administrative hearing commission in
132 accordance with sections 208.156 and 621.055.

133 13. Notwithstanding any other provision of law to the
134 contrary, appeals regarding this assessment shall be to the
135 circuit court of Cole County or the circuit court in the
136 county in which the facility is located. The circuit court
137 shall hear the matter as the court of original jurisdiction.

138 14. Nothing in this section shall be deemed to affect
139 or in any way limit the tax-exempt or nonprofit status of

140 any intermediate care facility for the intellectually
141 disabled granted by state law.

142 15. The director of the department of mental health
143 shall promulgate rules and regulations to implement this
144 section. Any rule or portion of a rule, as that term is
145 defined in section 536.010, that is created under the
146 authority delegated in this section shall become effective
147 only if it complies with and is subject to all of the
148 provisions of chapter 536 and, if applicable, section
149 536.028. This section and chapter 536 are nonseverable and
150 if any of the powers vested with the general assembly
151 pursuant to chapter 536 to review, to delay the effective
152 date, or to disapprove and annul a rule are subsequently
153 held unconstitutional, then the grant of rulemaking
154 authority and any rule proposed or adopted after August 28,
155 2008, shall be invalid and void.

156 16. The provisions of this section shall expire on
157 September 30, ~~[2021]~~ 2022.

Section B. Because of the importance of economic
2 development to the state of Missouri, the repeal and
3 reenactment of sections 143.121, 143.171, and 620.2020 of
4 this act is deemed necessary for the immediate preservation
5 of the public health, welfare, peace, and safety, and is
6 hereby declared to be an emergency act within the meaning of
7 the constitution, and the repeal and reenactment of sections
8 143.121, 143.171, and 620.2020 of this act shall be in full
9 force and effect upon its passage and approval.

Section C. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

✓

Paul Wieland

Jim Murphy