

SECOND REGULAR SESSION

SENATE BILL NO. 652

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3346S.011

AN ACT

To repeal section 144.757, RSMo, and to enact in lieu thereof one new section relating to local use taxes.

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

Section A. Section 144.757, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 144.757, to read as follows:

144.757. 1. Any county or municipality, except municipalities within a
2 county having a charter form of government with a population in excess of nine
3 hundred thousand, may, by a majority vote of its governing body, impose a local
4 use tax if a local sales tax is imposed as defined in section 32.085 at a rate equal
5 to the rate of the local sales tax in effect in such county or municipality; provided,
6 however, that no ordinance or order enacted pursuant to sections 144.757 to
7 144.761 shall be effective unless the governing body of the county or municipality
8 submits to the voters thereof at a municipal, county or state general, primary or
9 special election a proposal to authorize the governing body of the county or
10 municipality to impose a local use tax pursuant to sections 144.757 to
11 144.761. Municipalities within a county having a charter form of government
12 with a population in excess of nine hundred thousand may, upon voter approval
13 received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this
14 section, impose a local use tax at the same rate as the local municipal sales tax
15 with the revenues from all such municipal use taxes to be distributed pursuant
16 to subsection 4 of section 94.890. The municipality shall within thirty days of the
17 approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of
18 subsection 2 of this section select one of the distribution options permitted in
19 subsection 4 of section 94.890 for distribution of all municipal use taxes.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

23 Shall the _____ (county or municipality's name) impose a local use
24 tax at the same rate as the total local sales tax rate, [currently
25 _____ (insert percent),] provided that if the local sales tax rate is
26 reduced or raised by voter approval, the local use tax rate shall
27 also be reduced or raised by the same action? [A use tax return
28 shall not be required to be filed by persons whose purchases from
29 out-of-state vendors do not in total exceed two thousand dollars in
30 any calendar year.] **Approval of this question will eliminate
31 the disparity in tax rates collected by local and out-of-state
32 sellers by imposing the same rate on all sellers.**

33 YES NO

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

37 (2) (a) The ballot of submission in a county having a charter form of
38 government with a population in excess of nine hundred thousand shall contain
39 substantially the following language:

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

54 A use tax is the equivalent of a sales tax on purchases from
55 out-of-state sellers by in-state buyers and on certain taxable

56 business transactions. [A use tax return shall not be required to
 57 be filed by persons whose purchases from out-of-state vendors do
 58 not in total exceed two thousand dollars in any calendar
 59 year.] **Approval of this question will eliminate the
 60 disparity in tax rates collected by local and out-of-state
 61 sellers by imposing the same rate on all sellers.**

62 YES NO

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

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

69 Shall the municipality be authorized to impose a local use tax at
 70 the same rate as the local sales tax by a vote of the governing body,
 71 provided that if any local sales tax is repealed, reduced or raised
 72 by voter approval, the respective local use tax shall also be
 73 repealed, reduced or raised by the same action? [A use tax return
 74 shall not be required to be filed by persons whose purchases from
 75 out-of-state vendors do not in total exceed two thousand dollars in
 76 any calendar year.] **Approval of this question will eliminate
 77 the disparity in tax rates collected by local and out-of-state
 78 sellers by imposing the same rate on all sellers.**

79 YES NO

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

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

85 Shall the _____ (city name) impose a local use tax at the
 86 same rate as the local sales tax, [currently at a rate of _____
 87 (insert percent)] which includes the capital improvements sales tax
 88 and the transportation tax, provided that if any local sales tax is
 89 repealed, reduced or raised by voter approval, the respective local
 90 use tax shall also be repealed, reduced or raised by the same
 91 action? [A use tax return shall not be required to be filed by

92 persons whose purchases from out-of-state vendors do not in total
93 exceed two thousand dollars in any calendar year.] **Approval of**
94 **this question will eliminate the disparity in tax rates**
95 **collected by local and out-of-state sellers by imposing the**
96 **same rate on all sellers.**

97 YES NO

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

101 (4) If any of such ballots are submitted on August 6, 1996, and if a
102 majority of the votes cast on the proposal by the qualified voters voting thereon
103 are in favor of the proposal, then the ordinance or order and any amendments
104 thereto shall be in effect October 1, 1996, provided the director of revenue
105 receives notice of adoption of the local use tax on or before August 16, 1996. If
106 any of such ballots are submitted after December 31, 1996, and if a majority of
107 the votes cast on the proposal by the qualified voters voting thereon are in favor
108 of the proposal, then the ordinance or order and any amendments thereto shall
109 be in effect on the first day of the calendar quarter which begins at least
110 forty-five days after the director of revenue receives notice of adoption of the local
111 use tax. If a majority of the votes cast by the qualified voters voting are opposed
112 to the proposal, then the governing body of the county or municipality shall have
113 no power to impose the local use tax as herein authorized unless and until the
114 governing body of the county or municipality shall again have submitted another
115 proposal to authorize the governing body of the county or municipality to impose
116 the local use tax and such proposal is approved by a majority of the qualified
117 voters voting thereon.

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

125 4. For purposes of sections 144.757 to 144.761, the use tax may be
126 referred to or described as the equivalent of a sales tax on purchases made from
127 out-of-state sellers by in-state buyers and on certain intrabusiness

128 transactions. Such a description shall not change the classification, form or
129 subject of the use tax or the manner in which it is collected.

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Unofficial

Bill

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