

HB 590 -- TAXATION

SPONSOR: Koenig

This bill reduces the state individual income tax rate and replaces the current state and local sales and use tax with a state and local sales tax on retail sales of new tangible personal property and taxable services. For the 2015 calendar year, the top rate of the individual income tax will be lowered to 5.9% and all other rate reductions currently required to be made to reduce the top rate by .5% and the adjustment of the tax brackets for the percent increase in inflation will occur beginning with the 2019 calendar year. Beginning January 1, 2016, the state individual income tax rate will be reduced annually if the Director of the Department of Revenue determines that the total tax revenue collected by the state including the rate reduction is equal to or greater than the total tax revenue collected in the prior tax year, subject to review and verification by the State Treasurer. From January 1, 2016, to January 1, 2018, the local sales tax rates will be recalculated to produce reasonably equivalent amounts of revenue to the prior rate of tax collected averaged over the previous five tax years with the federal Consumer Price Index changes factored in. After that date, the state sales tax rate plus the conservation sales tax rate, the parks and soils sales tax rate, and local tax rates, excluding transportation district taxes and community improvement district taxes, cannot exceed 10% unless the increase is imposed by voters or the temporary result of the recalculation of local taxes. Beginning January 1, 2016, there will be no state tax on food.

Property purchased to be a component part or ingredient of a new tangible personal property to be sold at retail; government purchases including federal, state, and local governments; purchases of inventory; real property transactions; construction of an entirely new building or structure; purchases of utilities; purchases of medical services including medications; purchases of professional services; purchases of child care and elderly care; purchases between consolidated entities; purchases of services rendered by employees for his or her employer; business-to-business transactions including agriculture; purchases for investment; purchases involving gambling at licensed bingo, racing, or gambling boats; purchases relating to common carriers; purchases of railroad rolling stock; purchases of barges and cargo; tuition and fees for education; purchases of insurance products and services; purchases of used tangible personal property; and purchases by charities will be exempt from sales tax.

The bill specifies that the burden of proof for establishing tax liability for sales and use tax will be borne by the state in all

legal proceedings.