

FIRST REGULAR SESSION

# HOUSE BILL NO. 641

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DIEHL.

1770H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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Section A. Section 144.757, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.757, to read as follows:

144.757. 1. Any county or municipality may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085 or if a sales tax is imposed under section 94.850 or 94.890, with such local use tax imposed at a rate equal to the rate of the local sales tax and any sales tax imposed under section 94.850 or 94.890 by such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to 144.761.

(1) The ballot of submission shall contain substantially the following language:

Shall the \_\_\_\_\_ (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action?

YES  NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO".

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

18 (2) If any of such ballots are submitted on August 6, 1996, and if a majority of the  
19 votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal,  
20 then the ordinance or order and any amendments thereto shall be in effect October 1, 1996,  
21 provided the director of revenue receives notice of adoption of the local use tax on or before  
22 August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a  
23 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
24 the proposal, then the ordinance or order and any amendments thereto shall be in effect on the  
25 first day of the calendar quarter which begins at least forty-five days after the director of  
26 revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the  
27 qualified voters voting are opposed to the proposal, then the governing body of the county or  
28 municipality shall have no power to impose the local use tax as herein authorized unless and  
29 until the governing body of the county or municipality shall again have submitted another  
30 proposal to authorize the governing body of the county or municipality to impose the local  
31 use tax and such proposal is approved by a majority of the qualified voters voting thereon.

32 2. The local use tax may be imposed at the same rate as the local sales tax then  
33 currently in effect in the county or municipality upon all transactions which are subject to the  
34 taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality  
35 adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof  
36 is reduced or raised by voter approval, the local use tax rate shall also be deemed to be  
37 repealed, reduced or raised by the same action repealing, reducing or raising the local sales  
38 tax.

39 3. For purposes of sections 144.757 to 144.761, the use tax may be referred to or  
40 described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-  
41 state buyers and on certain intrabusiness transactions. Such a description shall not change the  
42 classification, form or subject of the use tax or the manner in which it is collected. The use  
43 tax shall not be described as a new tax or as not a new tax and shall not be advertised or  
44 promoted in a manner in violation of section 115.646.

45 **4. For the purposes of sections 144.757 to 144.761, the term "county or**  
46 **municipality" shall include the governing body of any taxing jurisdiction authorized to**  
47 **impose a sales tax for emergency services.**

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