

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 648, Page 16, Section 32.310, Line 9,

2 by inserting after the second use of "the" the following: "sales
 3 or use"; and further amend line 10 by striking "under the local
 4 sales tax law"; and

5 Further amend said bill, pages 18-21, section 135.550, by
 6 striking all of said section and inserting in lieu thereof the
 7 following:

8 "135.550. 1. As used in this section, the following terms
 9 shall mean:

10 (1) "Contribution", a donation of cash, stock, bonds or
 11 other marketable securities, or real property;

12 (2) "Shelter for victims of domestic violence", a facility
 13 located in this state which meets the definition of a shelter for
 14 victims of domestic violence pursuant to section 455.200 and
 15 which meets the requirements of section 455.220, or a nonprofit
 16 organization established and operating exclusively for the
 17 purpose of supporting a shelter for victims of domestic violence
 18 operated by the state or one of its political subdivisions;

19 (3) "Rape crisis center", a community-based nonprofit rape
 20 crisis center, as defined in section 455.003, located in this
 21 state and that provides the twenty-four hour core services of

1 hospital advocacy and crisis hotline support to survivors of rape
2 and sexual assault;

3 [(3)] (4) "State tax liability", in the case of a business
4 taxpayer, any liability incurred by such taxpayer pursuant to the
5 provisions of chapter 143, chapter 147, chapter 148, and chapter
6 153, exclusive of the provisions relating to the withholding of
7 tax as provided for in sections 143.191 to 143.265 and related
8 provisions, and in the case of an individual taxpayer, any
9 liability incurred by such taxpayer pursuant to the provisions of
10 chapter 143;

11 [(4)] (5) "Taxpayer", a person, firm, a partner in a firm,
12 corporation or a shareholder in an S corporation doing business
13 in the state of Missouri and subject to the state income tax
14 imposed by the provisions of chapter 143, or a corporation
15 subject to the annual corporation franchise tax imposed by the
16 provisions of chapter 147, including any charitable organization
17 which is exempt from federal income tax and whose Missouri
18 unrelated business taxable income, if any, would be subject to
19 the state income tax imposed under chapter 143, or an insurance
20 company paying an annual tax on its gross premium receipts in
21 this state, or other financial institution paying taxes to the
22 state of Missouri or any political subdivision of this state
23 pursuant to the provisions of chapter 148, or an express company
24 which pays an annual tax on its gross receipts in this state
25 pursuant to chapter 153, or an individual subject to the state
26 income tax imposed by the provisions of chapter 143.

27 2. A taxpayer shall be allowed to claim a tax credit
28 against the taxpayer's state tax liability, in an amount equal to
29 fifty percent of the amount such taxpayer contributed to a

1 shelter for victims of domestic violence or rape crisis center
2 for all fiscal years ending on or before June 30, 2021, and
3 seventy percent of the amount such taxpayer contributed to a
4 shelter for victims of domestic violence or rape crisis center
5 for all fiscal years beginning on or after July 1, 2021.

6 3. The amount of the tax credit claimed shall not exceed
7 the amount of the taxpayer's state tax liability for the taxable
8 year that the credit is claimed, and such taxpayer shall not be
9 allowed to claim a tax credit in excess of fifty thousand dollars
10 per taxable year. However, any tax credit that cannot be claimed
11 in the taxable year the contribution was made may be carried over
12 to the next four succeeding taxable years until the full credit
13 has been claimed.

14 4. Except for any excess credit which is carried over
15 pursuant to subsection 3 of this section, a taxpayer shall not be
16 allowed to claim a tax credit unless the total amount of such
17 taxpayer's contribution or contributions to a shelter or shelters
18 for victims of domestic violence or rape crisis center in such
19 taxpayer's taxable year has a value of at least one hundred
20 dollars.

21 5. The director of the department of social services shall
22 determine, at least annually, which facilities in this state may
23 be classified as shelters for victims of domestic violence and
24 rape crisis centers. The director of the department of social
25 services may require of a facility seeking to be classified as a
26 shelter for victims of domestic violence or rape crisis center
27 whatever information is reasonably necessary to make such a
28 determination. The director of the department of social services
29 shall classify a facility as a shelter for victims of domestic

1 violence or rape crisis center if such facility meets the
2 definition set forth in subsection 1 of this section.

3 6. The director of the department of social services shall
4 establish a procedure by which a taxpayer can determine if a
5 facility has been classified as a shelter for victims of domestic
6 violence or rape crisis center, and by which such taxpayer can
7 then contribute to such shelter for victims of domestic violence
8 or rape crisis center and claim a tax credit. Shelters for
9 victims of domestic violence and rape crisis centers shall be
10 permitted to decline a contribution from a taxpayer. The
11 cumulative amount of tax credits which may be claimed by all the
12 taxpayers contributing to shelters for victims of domestic
13 violence and rape crisis centers in any one fiscal year shall not
14 exceed two million dollars for all fiscal years ending on or
15 before June 30, 2021. For all fiscal years beginning on or after
16 July 1, 2021, there shall be no limit imposed on the cumulative
17 amount of tax credits that may be claimed by all taxpayers
18 contributing to shelters for victims of domestic violence and
19 rape crisis centers under the provisions of this section.

20 7. For all fiscal years ending on or before June 30, 2021,
21 the director of the department of social services shall establish
22 a procedure by which, from the beginning of the fiscal year until
23 some point in time later in the fiscal year to be determined by
24 the director of the department of social services, the cumulative
25 amount of tax credits are equally apportioned among all
26 facilities classified as shelters for victims of domestic
27 violence and rape crisis centers. If a shelter for victims of
28 domestic violence or rape crisis center fails to use all, or some
29 percentage to be determined by the director of the department of

1 social services, of its apportioned tax credits during this
2 predetermined period of time, the director of the department of
3 social services may reapportion these unused tax credits to those
4 shelters for victims of domestic violence and rape crisis centers
5 that have used all, or some percentage to be determined by the
6 director of the department of social services, of their
7 apportioned tax credits during this predetermined period of time.
8 The director of the department of social services may establish
9 more than one period of time and reapportion more than once
10 during each fiscal year. To the maximum extent possible, the
11 director of the department of social services shall establish the
12 procedure described in this subsection in such a manner as to
13 ensure that taxpayers can claim all the tax credits possible up
14 to the cumulative amount of tax credits available for the fiscal
15 year.

16 8. This section shall become effective January 1, 2000, and
17 shall apply to all tax years after December 31, 1999.

18 137.106. 1. This section shall be known and may be cited
19 as the "Missouri Homestead Preservation Act".

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

21 (1) "Department", the department of revenue;

22 (2) "Director", the director of revenue;

23 (3) "Disabled", as such term is defined in section 135.010;

24 (4) "Eligible owner", any individual owner of property who
25 is sixty-five years old or older as of January first of the tax
26 year in which the individual is claiming the credit or who is
27 disabled, and who had an income of equal to or less than the
28 maximum upper limit in the year prior to completing an
29 application pursuant to this section; or

1 (a) In the case of a married couple owning property either
2 jointly or as tenants by the entirety, or where only one spouse
3 owns the property, such couple shall be considered an eligible
4 taxpayer if both spouses have reached the age of sixty-five or if
5 one spouse is disabled, or if one spouse is at least sixty-five
6 years old and the other spouse is at least sixty years old, and
7 the combined income of the couple in the year prior to completing
8 an application pursuant to this section did not exceed the
9 maximum upper limit; or

10 (b) In the case of joint ownership by unmarried persons or
11 ownership by tenancy in common by two or more unmarried persons,
12 such owners shall be considered an eligible owner if each person
13 with an ownership interest individually satisfies the eligibility
14 requirements for an individual eligible owner under this section
15 and the combined income of all individuals with an interest in
16 the property is equal to or less than the maximum upper limit in
17 the year prior to completing an application under this section.
18 If any individual with an ownership interest in the property
19 fails to satisfy the eligibility requirements of an individual
20 eligible owner or if the combined income of all individuals with
21 interest in the property exceeds the maximum upper limit, then
22 all individuals with an ownership interest in such property shall
23 be deemed ineligible owners regardless of such other individual's
24 ability to individually meet the eligibility requirements; or

25 (c) In the case of property held in trust, the eligible
26 owner and recipient of the tax credit shall be the trust itself
27 provided the previous owner of the homestead or the previous
28 owner's spouse: is the settlor of the trust with respect to the
29 homestead; currently resides in such homestead; and but for the

1 transfer of such property would have satisfied the age,
2 ownership, and maximum upper limit requirements for income as
3 defined in this subsection.

4
5 No individual shall be an eligible owner if the individual has
6 not paid the individual's property tax liability, if any, in full
7 by the payment due date in any of the three prior tax years,
8 except that a late payment of a property tax liability in any
9 prior year shall not disqualify a potential eligible owner if
10 such owner paid in full the tax liability and any and all
11 penalties, additions and interest that arose as a result of such
12 late payment; no individual shall be an eligible owner if such
13 person filed a valid claim for the senior citizens property tax
14 relief credit pursuant to sections 135.010 to 135.035;

15 (5) "Homestead", as such term is defined pursuant to
16 section 135.010, except as limited by provisions of this section
17 to the contrary. No property shall be considered a homestead if
18 such property was improved since the most recent annual
19 assessment by more than five percent of the prior year appraised
20 value, except where an eligible owner of the property has made
21 such improvements to accommodate a disabled person;

22 (6) "Homestead exemption limit", a percentage increase,
23 rounded to the nearest hundredth of a percent, which shall be
24 equal to the percentage increase to tax liability, not including
25 improvements, of a homestead from one tax year to the next that
26 exceeds a certain percentage set pursuant to subsection 7 of this
27 section;

28 (7) "Income", federal adjusted gross income, and in the
29 case of ownership of the homestead by trust, the income of the

1 settlor applicant shall be imputed to the income of the trust for
2 purposes of determining eligibility with regards to the maximum
3 upper limit;

4 (8) "Maximum upper limit", in the calendar year 2021, the
5 income sum of ninety thousand dollars; in each successive
6 calendar year this amount shall be raised by the incremental
7 increase in the general price level, as defined pursuant to
8 article X, section 17 of the Missouri Constitution.

9 3. Pursuant to Article X, Section 6(a) of the Constitution
10 of Missouri, if in the prior tax year, the property tax liability
11 on any parcel of subclass (1) real property increased by more
12 than the homestead exemption limit, without regard for any prior
13 credit received due to the provisions of this section, then any
14 eligible owner of the property shall receive a homestead
15 exemption credit to be applied in the current tax year property
16 tax liability to offset the prior year increase to tax liability
17 that exceeds the homestead exemption limit, except as eligibility
18 for the credit is limited by the provisions of this section. The
19 amount of the credit shall be listed separately on each
20 taxpayer's tax bill for the current tax year, or on a document
21 enclosed with the taxpayer's bill. The homestead exemption
22 credit shall not affect the process of setting the tax rate as
23 required pursuant to Article X, Section 22 of the Constitution of
24 Missouri and section 137.073 in any prior, current, or subsequent
25 tax year.

26 4. Any potential eligible owner may apply for the homestead
27 exemption credit by completing an application. Applications may
28 be completed between April first and October fifteenth of any tax
29 year in order for the taxpayer to be eligible for the homestead

1 exemption credit in the tax year next following the calendar year
2 in which the homestead exemption credit application was
3 completed. The application shall be on forms provided by the
4 department. Forms also shall be made available on the
5 department's internet site and at all permanent branch offices
6 and all full-time, temporary, or fee offices maintained by the
7 department of revenue. The applicant shall attest under penalty
8 of perjury:

9 (1) To the applicant's age;

10 (2) That the applicant's prior year income was less than
11 the maximum upper limit;

12 (3) To the address of the homestead property;

13 (4) That any improvements made to the homestead, not made
14 to accommodate a disabled person, did not total more than five
15 percent of the prior year appraised value.

16
17 The applicant shall also include with the application copies of
18 receipts indicating payment of property tax by the applicant for
19 the homestead property for the three prior tax years.

20 5. Each applicant shall send the application to the
21 department by October fifteenth of each year for the taxpayer to
22 be eligible for the homestead exemption credit in the tax year
23 next following the calendar year in which the application was
24 completed.

25 6. Upon receipt of the applications, the department shall
26 calculate the tax liability, verify compliance with the maximum
27 income limit, verify the age of the applicants, and make
28 adjustments to these numbers as necessary on the applications.
29 The department also shall disallow any application where the

1 applicant also has filed a valid application for the senior
2 citizens property tax credit under sections 135.010 to 135.035.
3 Once adjusted tax liability, age, and income are verified, the
4 director shall determine eligibility for the credit and provide a
5 list of all verified eligible owners to the county assessors or
6 county clerks in counties with a township form of government by
7 December fifteenth of each year. By January fifteenth, the
8 county assessors shall provide a list to the department of any
9 verified eligible owners who made improvements not for
10 accommodation of a disability to the homestead and the dollar
11 amount of the assessed value of such improvements. If the dollar
12 amount of the assessed value of such improvements totaled more
13 than five percent of the prior year appraised value, such
14 eligible owners shall be disqualified from receiving the credit
15 in the current tax year.

16 7. The director shall calculate the level of appropriation
17 necessary to set the homestead exemption limit at five percent
18 when based on a year of general reassessment or at two and
19 one-half percent when based on a year without general
20 reassessment for the homesteads of all verified eligible owners,
21 and provide such calculation to the speaker of the house of
22 representatives, the president pro tempore of the senate, and the
23 director of the office of budget and planning in the office of
24 administration by January thirty-first of each year.

25 8. If, in any given year, the general assembly makes an
26 appropriation for the funding of the homestead exemption credit
27 that is signed by the governor, then the director shall determine
28 the apportionment percentage by equally apportioning the
29 appropriation among all eligible applicants on a percentage

1 basis. If no appropriation is made by the general assembly
2 during any tax year or no funds are actually distributed pursuant
3 to any appropriation therefor, then no homestead preservation
4 credit shall apply in such year.

5 9. After determining the apportionment percentage, the
6 director shall calculate the credit to be associated with each
7 verified eligible owner's homestead, if any. The director shall
8 send a list of those eligible owners who are to receive the
9 homestead exemption credit, including the amount of each credit,
10 the certified parcel number of the homestead, and the address of
11 the homestead property, to the county collectors or county clerks
12 in counties with a township form of government by August
13 thirty-first. Pursuant to such calculation, the director shall
14 instruct the state treasurer as to how to distribute the
15 appropriation to the county collector's fund of each county where
16 recipients of the homestead exemption credit are located, so as
17 to exactly offset each homestead exemption credit being issued.
18 As a result of the appropriation, in no case shall a political
19 subdivision receive more money than it would have received absent
20 the provisions of this section. Funds, at the direction of the
21 collector of the county or treasurer ex officio collector in
22 counties with a township form of government, shall be deposited
23 in the county collector's fund of a county or may be sent by mail
24 to the collector of a county, or treasurer ex officio collector
25 in counties with a township form of government, not later than
26 October first in any year a homestead exemption credit is
27 appropriated as a result of this section and shall be distributed
28 as moneys in such funds are commonly distributed from other
29 property tax revenues by the collector of the county or the

1 treasurer ex officio collector of the county in counties with a
2 township form of government, so as to exactly offset each
3 homestead exemption credit being issued.

4 10. The department shall promulgate rules for
5 implementation of this section. Any rule or portion of a rule,
6 as that term is defined in section 536.010, that is created under
7 the authority delegated in this section shall become effective
8 only if it complies with and is subject to all of the provisions
9 of chapter 536 and, if applicable, section 536.028. This section
10 and chapter 536 are nonseverable and if any of the powers vested
11 with the general assembly pursuant to chapter 536 to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2020,
15 shall be invalid and void. Any rule promulgated by the
16 department shall in no way impact, affect, interrupt, or
17 interfere with the performance of the required statutory duties
18 of any county elected official, more particularly including the
19 county collector when performing such duties as deemed necessary
20 for the distribution of any homestead appropriation and the
21 distribution of all other real and personal property taxes.

22 11. In the event that an eligible owner dies or transfers
23 ownership of the property after the homestead exemption limit has
24 been set in any given year, but prior to January first of the
25 year in which the credit would otherwise be applied, the credit
26 shall be void and any corresponding moneys shall lapse to the
27 state to be credited to the general revenue fund. In the event
28 the collector of the county or the treasurer ex officio collector
29 of the county in counties with a township form of government

1 determines prior to issuing the credit that the individual is not
2 an eligible owner because the individual did not pay the prior
3 three years' property tax liability in full, the credit shall be
4 void and any corresponding moneys shall lapse to the state to be
5 credited to the general revenue fund.

6 12. This section shall apply to all tax years beginning on
7 or after January 1, 2021.

8 13. In accordance with the provisions of sections 23.250 to
9 23.298 and unless otherwise authorized pursuant to section
10 23.253:

11 (1) The program authorized under the provisions of this
12 section shall automatically sunset six years after the effective
13 date of this section unless reauthorized by an act of the general
14 assembly; and

15 (2) This section shall terminate on September first of the
16 year following the year in which any new program authorized under
17 this section is sunset, and the revisor of statutes shall
18 designate such sections and this section in a revision bill for
19 repeal."; and

20 Further amend said bill, section 143.011, page 25, line 20,
21 by inserting after all of said line the following:

22 "143.177. 1. This section shall be known and may be cited
23 as the "Missouri Working Family Tax Credit Act".

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

25 (1) "Department", the department of revenue;

26 (2) "Eligible taxpayer", a resident individual with a
27 filing status of single, head of household, widowed, or married
28 filing combined who is subject to the tax imposed under chapter
29 143, excluding withholding tax imposed under sections 143.191 to

1 143.265, and who is allowed a federal earned income tax credit
2 under Section 32 of the Internal Revenue Code of 1986, as
3 amended;

4 (3) "Tax credit", a credit against the tax otherwise due
5 under chapter 143, excluding withholding tax imposed under
6 sections 143.191 to 143.265.

7 3. For all tax years beginning on or after January 1, 2022,
8 an eligible taxpayer shall be allowed a tax credit in an amount
9 equal to five percent of the amount such taxpayer would receive
10 under the federal earned income tax credit. The tax credit
11 allowed by this section shall be claimed by such taxpayer at the
12 time such taxpayer files a return and shall be applied against
13 the income tax liability imposed by chapter 143 after reduction
14 for all other credits allowed thereon. If the amount of the
15 credit exceeds the tax liability, the difference shall not be
16 refunded to the taxpayer and shall not be carried forward to any
17 subsequent tax year.

18 4. Notwithstanding the provisions of section 32.057 to the
19 contrary, the department shall determine whether any taxpayer
20 filing a report or return with the department who did not apply
21 for the credit authorized under this section may qualify for the
22 credit and, if so, determines a taxpayer may qualify for the
23 credit, shall notify such taxpayer of his or her potential
24 eligibility. In making a determination of eligibility under this
25 section, the department shall use any appropriate and available
26 data including, but not limited to, data available from the
27 Internal Revenue Service, the U.S. Department of Treasury, and
28 state income tax returns from previous tax years.

29 5. The department shall prepare an annual report containing

1 statistical information regarding the tax credits issued under
2 this section for the previous tax year, including the total
3 amount of revenue expended, the number of credits claimed, and
4 the average value of the credits issued to taxpayers whose earned
5 income falls within various income ranges determined by the
6 department.

7 6. The director of the department may promulgate rules and
8 regulations to administer the provisions of this section. Any
9 rule or portion of a rule, as that term is defined in section
10 536.010 that is created under the authority delegated in this
11 section shall become effective only if it complies with and is
12 subject to all of the provisions of chapter 536, and, if
13 applicable, section 536.028. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536, to review, to delay the
16 effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after the effective
19 date of this section shall be invalid and void.

20 7. Tax credits authorized under this section are not
21 subject to the requirements of sections 135.800 to 135.830.

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

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

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

1 reauthorization of this section; and

2 (3) This section shall terminate on September first of the
3 calendar year immediately following the calendar year in which
4 the program authorized under this section is sunset."; and

5 Further amend said bill, section 144.014, page 31, line 19,
6 by inserting after all of said line the following:

7 "144.016. 1. This act shall be known and may be cited as
8 the "Personal Period Products Sales Tax Relief Act".

9 2. Beginning October 1, 2020, the tax levied and imposed
10 under this chapter on all retail sales of feminine hygiene
11 products shall be levied at a rate that shall not exceed the
12 sales tax rate levied on the retail sale of food under section
13 144.014.

14 3. For purposes of this section, "feminine hygiene
15 products" shall mean tampons, pads, liners, and cups."; and

16 Further amend said bill, section 144.140, page 47, by
17 striking all of said section and inserting in lieu thereof the
18 following:

19 "144.140. 1. From every remittance to the director of
20 revenue made on or before the date when the same becomes due, the
21 person required to remit the same shall be entitled to deduct and
22 retain an amount equal to two percent thereof.

23 2. The director shall provide a monetary allowance from the
24 taxes collected to a certified service provider under the terms
25 of the certified service contract signed with the provider,
26 provided that such allowance shall be funded entirely from money
27 collected by the certified service provider.

28 3. Any certified service provider receiving an allowance
29 under subsection 2 of this section shall not be entitled to

1 simultaneously deduct the allowance provided for under subsection
2 1 of this section.

3 4. For the purposes of this section, "certified service
4 provider" shall mean an agent certified by the department of
5 revenue to perform all the seller's sales and use tax functions,
6 other than the seller's obligation to remit tax on its own
7 purchases."; and

8 Further amend said bill, section 144.757, pages 67-72, by
9 striking all of said section and inserting in lieu thereof the
10 following:

11 "144.757. 1. Any county or municipality[, except
12 municipalities within a county having a charter form of
13 government with a population in excess of nine hundred thousand,]
14 may, by a majority vote of its governing body, impose a local use
15 tax if a local sales tax is imposed as defined in section 32.085
16 or if a sales tax is imposed pursuant to sections 94.850 or
17 94.890, with such local use tax imposed at a rate equal to the
18 rate of the local sales tax [in effect in] and any sales tax
19 imposed pursuant to sections 94.850 or 94.890 by such county or
20 municipality; provided, however, that no ordinance or order
21 enacted pursuant to sections 144.757 to 144.761 shall be
22 effective unless the governing body of the county or municipality
23 submits to the voters thereof at a municipal, county or state
24 general, primary or special election a proposal to authorize the
25 governing body of the county or municipality to impose a local
26 use tax pursuant to sections 144.757 to 144.761. [Municipalities
27 within a county having a charter form of government with a
28 population in excess of nine hundred thousand may, upon voter
29 approval received pursuant to paragraph (b) of subdivision (2) of

1 subsection 2 of this section, impose a local use tax at the same
2 rate as the local municipal sales tax with the revenues from all
3 such municipal use taxes to be distributed pursuant to subsection
4 4 of section 94.890. The municipality shall within thirty days
5 of the approval of the use tax imposed pursuant to paragraph (b)
6 of subdivision (2) of subsection 2 of this section select one of
7 the distribution options permitted in subsection 4 of section
8 94.890 for distribution of all municipal use taxes.

9 2.] (1) The ballot of submission[, except for counties and
10 municipalities described in subdivisions (2) and (3) of this
11 subsection,] shall contain substantially the following language:

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

25 YES NO

26 If you are in favor of the question, place an "X"
27 in the box opposite "YES". If you are opposed to the
28 question, place an "X" in the box opposite "NO".

29 (2) [(a) The ballot of submission in a county having a

1 charter form of government with a population in excess of nine
2 hundred thousand shall contain substantially the following
3 language:

4 For the purposes of enhancing county and municipal
5 public safety, parks, and job creation and enhancing
6 local government services, shall the county be
7 authorized to collect a local use tax equal to the
8 total of the existing county sales tax rate of (insert
9 tax rate), provided that if the county sales tax is
10 repealed, reduced or raised by voter approval, the
11 local use tax rate shall also be repealed, reduced or
12 raised by the same voter action? Fifty percent of the
13 revenue shall be used by the county throughout the
14 county for improving and enhancing public safety, park
15 improvements, and job creation, and fifty percent shall
16 be used for enhancing local government services. The
17 county shall be required to make available to the
18 public an audited comprehensive financial report
19 detailing the management and use of the countywide
20 portion of the funds each year.

21 A use tax is the equivalent of a sales tax on
22 purchases from out-of-state sellers by in-state buyers
23 and on certain taxable business transactions. A use
24 tax return shall not be required to be filed by persons
25 whose purchases from out-of-state vendors do not in
26 total exceed two thousand dollars in any calendar year.

27 YES NO

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

1 question, place an "X" in the box opposite "NO".

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

6 Shall the municipality be authorized to impose a
7 local use tax at the same rate as the local sales tax
8 by a vote of the governing body, provided that if any
9 local sales tax is repealed, reduced or raised by voter
10 approval, the respective local use tax shall also be
11 repealed, reduced or raised by the same action? A use
12 tax return shall not be required to be filed by persons
13 whose purchases from out-of-state vendors do not in
14 total exceed two thousand dollars in any calendar year.

15 YES NO

16 If you are in favor of the question, place an "X"
17 in the box opposite "YES". If you are opposed to the
18 question, place an "X" in the box opposite "NO".

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

21 Shall the _____ (city name) impose a local use
22 tax at the same rate as the local sales tax, [currently
23 at a rate of _____ (insert percent)] which includes
24 the capital improvements sales tax and the
25 transportation tax, provided that if any local sales
26 tax is repealed, reduced or raised by voter approval,
27 the respective local use tax shall also be repealed,
28 reduced or raised by the same action? [A use tax
29 return shall not be required to be filed by persons

1 whose purchases from out-of-state vendors do not in
2 total exceed two thousand dollars in any calendar
3 year.】 An approval of this question will eliminate the
4 disparity in tax rates collected by local and out-of-
5 state sellers by imposing the same rate on all sellers.

6 YES

NO

7 If you are in favor of the question, place an "X"
8 in the box opposite "YES". If you are opposed to the
9 question, place an "X" in the box opposite "NO".

10 [(4)] 2. If any of such ballots are submitted on August 6,
11 1996, and if a majority of the votes cast on the proposal by the
12 qualified voters voting thereon are in favor of the proposal,
13 then the ordinance or order and any amendments thereto shall be
14 in effect October 1, 1996, provided the director of revenue
15 receives notice of adoption of the local use tax on or before
16 August 16, 1996. If any of such ballots are submitted after
17 December 31, 1996, and if a majority of the votes cast on the
18 proposal by the qualified voters voting thereon are in favor of
19 the proposal, then the ordinance or order and any amendments
20 thereto shall be in effect on the first day of the calendar
21 quarter which begins at least forty-five days after the director
22 of revenue receives notice of adoption of the local use tax. If
23 a majority of the votes cast by the qualified voters voting are
24 opposed to the proposal, then the governing body of the county or
25 municipality shall have no power to impose the local use tax as
26 herein authorized unless and until the governing body of the
27 county or municipality shall again have submitted another
28 proposal to authorize the governing body of the county or
29 municipality to impose the local use tax and such proposal is

1 approved by a majority of the qualified voters voting thereon.

2 3. The local use tax may be imposed at the same rate as the
3 local sales tax then currently in effect in the county or
4 municipality upon all transactions which are subject to the taxes
5 imposed pursuant to sections 144.600 to 144.745 within the county
6 or municipality adopting such tax; provided, however, that if any
7 local sales tax is repealed or the rate thereof is reduced or
8 raised by voter approval, the local use tax rate shall also be
9 deemed to be repealed, reduced or raised by the same action
10 repealing, reducing or raising the local sales tax.

11 4. For purposes of sections 144.757 to 144.761, the use tax
12 may be referred to or described as the equivalent of a sales tax
13 on purchases made from out-of-state sellers by in-state buyers
14 and on certain intrabusiness transactions. Such a description
15 shall not change the classification, form or subject of the use
16 tax or the manner in which it is collected.

17 144.759. 1. All local use taxes collected by the director
18 of revenue pursuant to sections 144.757 to 144.761 on behalf of
19 any county or municipality, less one percent for cost of
20 collection, which shall be deposited in the state's general
21 revenue fund after payment of premiums for surety bonds as
22 provided in section 32.087 shall be deposited with the state
23 treasurer in a local use tax trust fund, which fund shall be
24 separate and apart from the local sales tax trust funds. The
25 moneys in such local use tax trust fund shall not be deemed to be
26 state funds and shall not be commingled with any funds of the
27 state. The director of revenue shall keep accurate records of
28 the amount of money in the trust fund which was collected in each
29 county or municipality imposing a local use tax, and the records

1 shall be open to the inspection of officers of the county or
2 municipality and to the public. No later than the tenth day of
3 each month, the director of revenue shall distribute all moneys
4 deposited in the trust fund during the preceding month, except as
5 provided in subsection 2 of this section, to the county or
6 municipality treasurer, or such other officer as may be
7 designated by the county or municipality ordinance or order, of
8 each county or municipality imposing the tax authorized by
9 sections 144.757 to 144.761, the sum due the county or
10 municipality as certified by the director of revenue.

11 2. Subject to the provisions of subsection 1 of this
12 section, the director of revenue shall distribute all moneys
13 which would be due any county having a charter form of government
14 and having a population of nine hundred thousand or more to the
15 county treasurer or such other officer as may be designated by
16 county ordinance, who shall distribute [such moneys as follows:
17 the] that portion of the use [tax] taxes imposed by the county
18 [which equals one-half the rate of sales tax in effect for such
19 county shall be disbursed to the county treasurer for expenditure
20 throughout the county for public safety, parks, and job creation,
21 subject to any qualifications and regulations adopted by
22 ordinance of the county. Such ordinance shall require an audited
23 comprehensive financial report detailing the management and use
24 of such funds each year. Such ordinance shall also require that
25 the county and the municipal league of the county jointly prepare
26 a strategy to guide expenditures of funds and conduct an annual
27 review of the strategy. The treasurer or such other officer as
28 may be designated by county ordinance shall distribute one-third
29 of the balance to the county and to each city, town and village

1 in group B according to section 66.620 as modified by this
2 section, a portion of the two-thirds remainder of such balance
3 equal to the percentage ratio that the population of each such
4 city, town or village bears to the total population of all such
5 group B cities, towns and villages. For the purposes of this
6 subsection, population shall be determined by the last federal
7 decennial census or the latest census that determines the total
8 population of the county and all political subdivisions therein.
9 For the purposes of this subsection, each city, town or village
10 in group A according to section 66.620 but whose per capita sales
11 tax receipts during the preceding calendar year pursuant to
12 sections 66.600 to 66.630 were less than the per capita
13 countywide average of all sales tax receipts during the preceding
14 calendar year, shall be treated as a group B city, town or
15 village until the per capita amount distributed to such city,
16 town or village equals the difference between the per capita
17 sales tax receipts during the preceding calendar year and the per
18 capita countywide average of all sales tax receipts during the
19 preceding calendar year] that is equal to the rate of sales taxes
20 imposed by the county pursuant to sections 66.600 and 67.547 to
21 the cities, towns, and villages within such county and to the
22 unincorporated area of the county on the ratio of the population
23 that each such city, town, village, and the unincorporated areas
24 of the county bears to the total population of the county.

25 3. The director of revenue may authorize the state
26 treasurer to make refunds from the amounts in the trust fund and
27 credited to any county or municipality for erroneous payments and
28 overpayments made, and may redeem dishonored checks and drafts
29 deposited to the credit of such counties or municipalities. If

1 any county or municipality abolishes the tax, the county or
2 municipality shall notify the director of revenue of the action
3 at least ninety days prior to the effective date of the repeal,
4 and the director of revenue may order retention in the trust
5 fund, for a period of one year, of two percent of the amount
6 collected after receipt of such notice to cover possible refunds
7 or overpayment of the tax and to redeem dishonored checks and
8 drafts deposited to the credit of such accounts. After one year
9 has elapsed after the effective date of abolition of the tax in
10 such county or municipality, the director of revenue shall
11 authorize the state treasurer to remit the balance in the account
12 to the county or municipality and close the account of that
13 county or municipality. The director of revenue shall notify
14 each county or municipality of each instance of any amount
15 refunded or any check redeemed from receipts due the county or
16 municipality.

17 4. Except as modified in sections 144.757 to 144.761, all
18 provisions of sections 32.085 and 32.087 applicable to the local
19 sales tax, except for subsection 12 of section 32.087, and all
20 provisions of sections 144.600 to 144.745 shall apply to the tax
21 imposed pursuant to sections 144.757 to 144.761, and the director
22 of revenue shall perform all functions incident to the
23 administration, collection, enforcement, and operation of the
24 tax."; and

25 Further amend said bill, section C, page 76, line 11, by
26 striking "and 144.710" and inserting in lieu thereof the
27 following: "144.710, and 144.759"; and

28 Further amend the title and enacting clause accordingly.