

SECOND REGULAR SESSION

HOUSE BILL NO. 2172

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER.

4817H.031

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 32.310, 144.605, and 144.757, RSMo, and to enact in lieu thereof six new sections relating to use taxes, with penalty provisions, an emergency clause for a certain section, and a delayed effective date for certain sections.

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

Section A. Sections 32.310, 144.605, and 144.757, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 32.310, 33.572, 144.605, 144.637, 144.752, and 144.757, to read as follows:

- 32.310. 1. The department of revenue shall create and maintain a mapping feature on its official public website that displays sales **and use** tax information of political subdivisions of this state that have taxing authority, including the current tax rate for each sales **and use** tax imposed and collected. Such display shall have the option to showcase the borders and jurisdiction of the following political subdivisions on a map of the state to the extent that such political subdivisions collect sales **and use** tax:
- (1) Ambulance districts;
 - (2) Community improvement districts;
 - (3) Fire protection districts;
 - (4) Levee districts;
 - (5) Library districts;
 - (6) Neighborhood improvement districts;
 - (7) Port authority districts;
 - (8) Tax increment financing districts;
 - (9) Transportation development districts;

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.

16 (10) School districts; or

17 (11) Any other political subdivision that imposes a sales **or use** tax within its borders
18 and jurisdiction.

19 2. The mapping feature shall also have the option to superimpose state house of
20 representative districts and state senate districts over the political subdivisions.

21 3. A political subdivision collecting sales **or use** tax listed in subsection 1 of this section
22 shall provide to the department of revenue mapping and geographic data pertaining to the
23 political subdivision's borders and jurisdictions. The political subdivision shall certify the
24 accuracy of the data by affidavit and shall provide the data in a format specified by the
25 department of revenue. Such data **relating to sales tax collections** shall be sent to the
26 department of revenue by April 1, 2019, and shall be updated and sent to the department if a
27 change in the political subdivision's borders or jurisdiction occurs thereafter **under section**
28 **32.087. Such data relating to use tax collections shall be sent to the department of revenue**
29 **by January 1, 2021. If a political subdivision fails to provide the information required**
30 **under this subsection, the department of revenue shall use the last known sales or use tax**
31 **rate for that political subdivision.**

32 4. The department of revenue may contract with another entity to build and maintain the
33 mapping feature.

34 5. By July 1, 2019, the department shall implement the mapping feature using the **sales**
35 **tax** data provided to it under subsection 3 of this section. **By August 28, 2021, the department**
36 **shall implement the mapping feature using the use tax data provided to it under subsection**
37 **3 of this section.**

33.572. 1. There is hereby created in the state treasury the "Cash Operating
2 **Expense Fund", which shall consist of moneys collected under this section. The state**
3 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
4 **the state treasurer may approve disbursements. Notwithstanding the provisions of section**
5 **33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall**
6 **not revert to the credit of the general revenue fund. The state treasurer shall invest**
7 **moneys in the fund in the same manner as other funds are invested. Any interest and**
8 **moneys earned on such investments shall be credited to the fund.**

9 2. The following moneys shall be deposited into the fund:

10 (1) The use tax revenue collected from remittances made under section 144.752;
11 (2) Any moneys appropriated to the office of the governor for expenses incident to
12 emergency duties performed by the national guard when ordered out by the governor that
13 were unexpended at the end of the fiscal year; and

14 **(3) Any moneys appropriated to the fund by the general assembly or otherwise**
15 **credited to the fund.**

16 **3. In any fiscal year in which actual revenues are less than the revenue estimates**
17 **upon which appropriations were based or in which there is a budget need due to a natural**
18 **disaster, as proclaimed by the governor to be an emergency, the governor may transfer**
19 **from the fund to the general revenue fund such moneys as are necessary to make up all or**
20 **part of the deficit between the actual revenues and the revenue estimates or to meet the**
21 **needs of the emergency caused by the natural disaster, as the case may be.**

22 **4. If the balance in the fund at the close of any fiscal year exceeds two and one-half**
23 **percent of the net general revenue collections for the previous fiscal year, the excess**
24 **amount shall be allocated as follows:**

25 **(1) Fifty percent transferred to the state road fund established under Article IV,**
26 **Section 30(b) of the Constitution of Missouri for purposes of funding the governor's**
27 **transportation cost-share program; and**

28 **(2) Fifty percent to the retirement of debt related to bonds issued by or on behalf**
29 **of the state and for which the office of administration is required to file annual continuing**
30 **disclosure reports on the electronic municipal market access website, or its successor.**

31 **5. For purposes of this section, "net general revenue collections" means all revenue**
32 **deposited into the general revenue fund less refunds and revenues originally deposited into**
33 **the general revenue fund but designated by law for a specific distribution or transfer to**
34 **another state fund.**

35 144.605. The following words and phrases as used in sections 144.600 to 144.745 mean
36 and include:

37 (1) "Calendar quarter", the period of three consecutive calendar months ending on March
38 thirty-first, June thirtieth, September thirtieth or December thirty-first;

39 (2) "Engages in business activities within this state" includes:

40 (a) Maintaining or having a franchisee or licensee operating under the seller's trade name
41 in this state if the franchisee or licensee is required to collect sales tax pursuant to sections
42 144.010 to 144.525;

43 (b) Soliciting sales or taking orders by sales agents or traveling representatives;

44 (c) A vendor is presumed to engage in business activities within this state if any person,
45 other than a common carrier acting in its capacity as such, that has substantial nexus with this
46 state:

47 a. Sells a similar line of products as the vendor and does so under the same or a similar
48 business name;

49 b. Maintains an office, distribution facility, warehouse, or storage place, or similar place
50 of business in the state to facilitate the delivery of property or services sold by the vendor to the
51 vendor's customers;

52 c. Delivers, installs, assembles, or performs maintenance services for the vendor's
53 customers within the state;

54 d. Facilitates the vendor's delivery of property to customers in the state by allowing the
55 vendor's customers to pick up property sold by the vendor at an office, distribution facility,
56 warehouse, storage place, or similar place of business maintained by the person in the state; or

57 e. Conducts any other activities in the state that are significantly associated with the
58 vendor's ability to establish and maintain a market in the state for the sales;

59 (d) The presumption in paragraph (c) **of this subdivision** may be rebutted by
60 demonstrating that the person's activities in the state are not significantly associated with the
61 vendor's ability to establish or maintain a market in this state for the vendor's sales;

62 (e) ~~[Notwithstanding paragraph (c), a vendor shall be presumed to engage in business~~
63 ~~activities within this state if the vendor enters into an agreement with one or more residents of~~
64 ~~this state under which the resident, for a commission or other consideration, directly or indirectly~~
65 ~~refers potential customers, whether by a link on an internet website, an in-person oral~~
66 ~~presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from~~
67 ~~sales by the vendor to customers in the state who are referred to the vendor by all residents with~~
68 ~~this type of an agreement with the vendor is in excess of ten thousand dollars during the~~
69 ~~preceding twelve months;~~

70 ~~(f) The presumption in paragraph (e) may be rebutted by submitting proof that the~~
71 ~~residents with whom the vendor has an agreement did not engage in any activity within the state~~
72 ~~that was significantly associated with the vendor's ability to establish or maintain the vendor's~~
73 ~~market in the state during the preceding twelve months. Such proof may consist of sworn written~~
74 ~~statements from all of the residents with whom the vendor has an agreement stating that they did~~
75 ~~not engage in any solicitation in the state on behalf of the vendor during the preceding year~~
76 ~~provided that such statements were provided and obtained in good faith]~~ **Selling tangible**
77 **personal property for delivery into this state, provided that the seller's gross revenue from**
78 **delivery of tangible personal property into this state in the previous calendar year or**
79 **current calendar year exceeds one hundred thousand dollars;**

80 (3) "Maintains a place of business in this state" includes maintaining, occupying, or
81 using, permanently or temporarily, directly or indirectly, by whatever name called, an office,
82 place of distribution, sales or sample room or place, warehouse or storage place, or other place
83 of business in this state, whether owned or operated by the vendor or by any other person other
84 than a common carrier acting in its capacity as such;

85 (4) "Person", any individual, firm, copartnership, joint venture, association, corporation,
86 municipal or private, and whether organized for profit or not, state, county, political subdivision,
87 state department, commission, board, bureau or agency, except the state transportation
88 department, estate, trust, business trust, receiver or trustee appointed by the state or federal court,
89 syndicate, or any other group or combination acting as a unit, and the plural as well as the
90 singular number;

91 (5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property,
92 through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

93 (6) "Purchaser", any person who is the recipient for a valuable consideration of any sale
94 of tangible personal property acquired for use, storage or consumption in this state;

95 (7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal
96 property, or the right to use, store or consume the same, for a consideration paid or to be paid,
97 and any transaction whether called leases, rentals, bailments, loans, conditional sales or
98 otherwise, and notwithstanding that the title or possession of the property or both is retained for
99 security. For the purpose of this law the place of delivery of the property to the purchaser, user,
100 storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or
101 by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers,
102 representatives, consignors, peddlers, canvassers or otherwise;

103 (8) "Sales price", the consideration including the charges for services, except charges
104 incident to the extension of credit, paid or given, or contracted to be paid or given, by the
105 purchaser to the vendor for the tangible personal property, including any services that are a part
106 of the sale, valued in money, whether paid in money or otherwise, and any amount for which
107 credit is given to the purchaser by the vendor, without any deduction therefrom on account of the
108 cost of the property sold, the cost of materials used, labor or service cost, losses or any other
109 expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included
110 and "sales price" shall not include the amount charged for property returned by customers upon
111 rescission of the contract of sales when the entire amount charged therefor is refunded either in
112 cash or credit or the amount charged for labor or services rendered in installing or applying the
113 property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600
114 to 144.745. The sales price shall not include usual and customary delivery charges that are
115 separately stated. In determining the amount of tax due pursuant to sections 144.600 to 144.745,
116 any charge incident to the extension of credit shall be specifically exempted;

117 (9) "Selling agent", every person acting as a representative of a principal, when such
118 principal is not registered with the director of revenue of the state of Missouri for the collection
119 of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and

120 who receives compensation by reason of the sale of tangible personal property of the principal,
121 if such property is to be stored, used, or consumed in this state;

122 (10) "Storage", any keeping or retention in this state of tangible personal property
123 purchased from a vendor, except property for sale or property that is temporarily kept or retained
124 in this state for subsequent use outside the state;

125 (11) "Tangible personal property", all items subject to the Missouri sales tax as provided
126 in subdivisions (1) and (3) of **subsection 1 of section 144.020**;

127 (12) "Taxpayer", any person remitting the tax or who should remit the tax levied by
128 sections 144.600 to 144.745;

129 (13) "Use", the exercise of any right or power over tangible personal property incident
130 to the ownership or control of that property, except that it does not include the temporary storage
131 of property in this state for subsequent use outside the state, or the sale of the property in the
132 regular course of business;

133 (14) "Vendor", every person engaged in making sales of tangible personal property by
134 mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking
135 orders for sales of tangible personal property, for storage, use or consumption in this state, all
136 salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of
137 the dealers, distributors, consignors, supervisors, principals or employers under whom they
138 operate or from whom they obtain the tangible personal property sold by them, and every person
139 who maintains a place of business in this state, maintains a stock of goods in this state, or
140 engages in business activities within this state and every person who engages in this state in the
141 business of acting as a selling agent for persons not otherwise vendors as defined in this
142 subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of
143 the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded
144 as vendors and the dealers, distributors, consignors, supervisors, principals or employers must
145 be regarded as vendors for the purposes of sections 144.600 to 144.745.

**144.637. 1. The director of revenue shall provide and maintain a database that
2 describes boundary changes for all taxing jurisdictions and the effective dates of such
3 changes for the use of vendors collecting the tax imposed under sections 144.600 to 144.746.**

**4 2. For the identification of counties and cities, codes corresponding to the rates shall
5 be provided according to Federal Information Processing Standards (FIPS) as developed
6 by the National Institute of Standards and Technology. For the identification of all other
7 jurisdictions, codes corresponding to the rates shall be in a format determined by the
8 director.**

**9 3. The director shall provide and maintain address-based boundary database
10 records for assigning taxing jurisdictions and associated rates. The database records shall**

11 meet the requirements developed under the federal Mobile Telecommunications Sourcing
12 Act, 4 U.S.C. Section 119(a). If a vendor is unable to determine the applicable rate and
13 jurisdiction using an address-based database record after exercising due diligence, the
14 vendor may apply the nine-digit zip code designation applicable to a purchase. If a
15 nine-digit zip code designation is not available for a street address or if a vendor is unable
16 to determine the nine-digit zip code designation applicable to a purchase after exercising
17 due diligence to determine the designation, the vendor may apply the rate for the five-digit
18 zip code area. For the purposes of this section, there shall be a rebuttable presumption
19 that a vendor has exercised due diligence if the vendor has attempted to determine the tax
20 rate and jurisdiction by utilizing software approved by the director and makes the
21 assignment from the address and zip code information applicable to the purchase. If the
22 director certifies an address-based database provided by a third party, a vendor may use
23 such database in place of the database records provided for in this subsection. Such
24 database shall be in the same approved format as the database records under this section
25 and shall meet the requirements developed under the federal Mobile Telecommunications
26 Sourcing Act, 4 U.S.C. Section 119(a).

27 **4. The electronic databases provided for in subsections 1 to 3 of this section shall**
28 **be in downloadable format as determined by the director. The databases may be directly**
29 **provided by the director or provided by a third party as designated by the director. The**
30 **databases shall be provided at no cost to the users of the databases. The provisions of**
31 **subsection 3 of this section shall not apply if the purchased product is received by the**
32 **purchaser at the business location of the vendor.**

33 **5. No vendor shall be liable for reliance upon erroneous data provided by the**
34 **director on tax rates, boundaries, or taxing jurisdiction assignments.**

144.752. 1. For the purposes of this section, the following terms shall mean:

2 **(1) "Marketplace facilitator", a person that contracts with sellers to facilitate for**
3 **consideration, regardless of whether deducted as fees from the transaction, the sale of the**
4 **seller's products through an electronic marketplace operated by a person, and engages:**

5 **(a) Either directly or indirectly, through one or more affiliated persons, in any of**
6 **the following:**

7 **a. Transmitting or otherwise communicating the offer or acceptance between the**
8 **purchaser and marketplace seller;**

9 **b. Owning or operating the infrastructure, whether electronic or physical, or**
10 **technology that brings purchasers and marketplace sellers together;**

11 **c. Providing a virtual currency that purchasers are allowed or required to use to**
12 **purchase products from the marketplace seller; or**

13 **d. Software development or research and development activities related to any of**
14 **the activities described in paragraph (b) of this subdivision, if such activities are directly**
15 **related to an electronic marketplace operated by a person or an affiliated person; and**

16 **(b) In any of the following activities with respect to the marketplace seller's**
17 **products:**

18 **a. Payment processing services;**

19 **b. Fulfillment or storage services;**

20 **c. Listing products for sale;**

21 **d. Setting prices;**

22 **e. Branding sales as those of the marketplace facilitator;**

23 **f. Order taking;**

24 **g. Advertising or promotion; or**

25 **h. Providing customer service or accepting or assisting with returns or exchanges;**

26

27 **A "marketplace facilitator" is a vendor as defined in section 144.605 and shall comply with**
28 **the provisions of sections 144.600 to 144.746;**

29 **(2) "Marketplace seller", a seller that makes sales through any electronic**
30 **marketplace operated by a marketplace facilitator;**

31 **(3) "Person", any individual, firm, copartnership, joint venture, association, or**
32 **corporation, municipal or private, whether organized for profit or not; state, county,**
33 **political subdivision, state department, commission, board, bureau, or agency, except the**
34 **department of transportation; estate, trust, business trust, or receiver or trustee appointed**
35 **by the state or a federal court; syndicate; or any other group or combination acting as a**
36 **unit;**

37 **(4) "Purchaser", any person who is the recipient for a valuable consideration of**
38 **any sale of tangible personal property acquired for use, storage, or consumption in this**
39 **state;**

40 **(5) "Retail sale", the same meaning as defined under sections 144.010 and 144.011,**
41 **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and**
42 **outboard motors required to be titled under the laws of the state and subject to taxation**
43 **under subdivision (9) of subsection 1 of section 144.020;**

44 **(6) "Seller", a person selling or furnishing tangible personal property or rendering**
45 **services on the receipts from which a tax is imposed under section 144.020.**

46 **2. By no later than January 1, 2022, marketplace facilitators that engage in**
47 **business activities within this state shall register with the department to collect and remit**
48 **use tax on sales made through the marketplace facilitator's marketplace by or on behalf**

49 of a marketplace seller that are delivered into the state, whether by the marketplace
50 facilitator or another person. Such retail sales shall include those made directly by the
51 marketplace facilitator and shall also include those retail sales made by marketplace sellers
52 through the marketplace facilitator's marketplace. The collection and reporting
53 requirements of this subsection shall not apply to retail sales other than those made
54 through a marketplace facilitator's marketplace.

55 **3. Marketplace facilitators that are required to collect use tax under this section**
56 **shall report and remit the tax in accordance with the provisions of this chapter and shall**
57 **maintain records of all sales delivered to a location in the state, including copies of invoices**
58 **showing the purchaser, address, purchase amount, and use tax collected. Such records**
59 **shall be made available for review and inspection upon request by the department.**

60 **4. Marketplace facilitators who properly collect and remit to the department in a**
61 **timely manner use tax on sales in accordance with the provisions of this section by or on**
62 **behalf of marketplace sellers shall be eligible for any discount provided under this chapter.**

63 **5. A marketplace facilitator shall provide the purchaser with a statement or invoice**
64 **showing that the use tax was collected and shall be remitted on the purchaser's behalf.**

65 **6. Any taxpayer who remits use tax under this section shall be entitled to refunds**
66 **or credits to the same extent and in the same manner provided for in section 144.190 for**
67 **taxes collected and remitted under this section.**

68 **7. Marketplace facilitators shall be subject to the penalty provisions, procedures,**
69 **and reporting requirements provided under the provisions of this chapter.**

70 **8. For the purposes of this section, a marketplace facilitator shall not include a**
71 **third-party financial institution appointed by a merchant or a marketplace facilitator to**
72 **handle various forms of payment transactions, such as processing credit cards and debit**
73 **cards, and whose sole activity with respect to marketplace sales is to facilitate the payment**
74 **transactions between two parties.**

144.757. 1. Any county or municipality, except municipalities within a county having
2 a charter form of government with a population in excess of nine hundred thousand, may, by a
3 majority vote of its governing body, impose a local use tax if a local sales tax is imposed as
4 defined in section 32.085 at a rate equal to the rate of the local sales tax in effect in such county
5 or municipality; provided, however, that no ordinance or order enacted pursuant to sections
6 144.757 to 144.761 shall be effective unless the governing body of the county or municipality
7 submits to the voters thereof at a municipal, county or state general, primary or special election
8 a proposal to authorize the governing body of the county or municipality to impose a local use
9 tax pursuant to sections 144.757 to 144.761. Municipalities within a county having a charter
10 form of government with a population in excess of nine hundred thousand may, upon voter

11 approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section,
 12 impose a local use tax at the same rate as the local municipal sales tax with the revenues from
 13 all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890. The
 14 municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph
 15 (b) of subdivision (2) of subsection 2 of this section select one of the distribution options
 16 permitted in subsection 4 of section 94.890 for distribution of all municipal use taxes.

17 2. (1) The ballot of submission, except for counties and municipalities described in
 18 subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

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

28 YES NO

29

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

32

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

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

47 A use tax is the equivalent of a sales tax on purchases from out-of-state sellers
 48 by in-state buyers and on certain taxable business transactions. [~~A use tax return~~
 49 ~~shall not be required to be filed by persons whose purchases from out-of-state~~
 50 ~~vendors do not in total exceed two thousand dollars in any calendar year.]~~

51 **Approval of this question will eliminate the disparity in tax rates collected**
 52 **by local and out-of-state sellers by imposing the same rate on all sellers.**

53 YES NO

54

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

57

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

61 Shall the municipality be authorized to impose a local use tax at the same rate as
 62 the local sales tax by a vote of the governing body, provided that if any local sales
 63 tax is repealed, reduced or raised by voter approval, the respective local use tax
 64 shall also be repealed, reduced or raised by the same action? [~~A use tax return~~
 65 ~~shall not be required to be filed by persons whose purchases from out-of-state~~
 66 ~~vendors do not in total exceed two thousand dollars in any calendar year.]~~

67 **Approval of this question will eliminate the disparity in tax rates collected**
 68 **by local and out-of-state sellers by imposing the same rate on all sellers.**

69 YES NO

70

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

73

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

76 Shall the _____ (city name) impose a local use tax at the same rate as the local
 77 sales tax, [currently at a rate of _____ (insert percent)] which includes the
 78 capital improvements sales tax and the transportation tax, provided that if any
 79 local sales tax is repealed, reduced or raised by voter approval, the respective
 80 local use tax shall also be repealed, reduced or raised by the same action? [~~A use~~
 81 ~~tax return shall not be required to be filed by persons whose purchases from~~
 82 ~~out-of-state vendors do not in total exceed two thousand dollars in any calendar~~

83 ~~year.]~~ **Approval of this question will eliminate the disparity in tax rates**
84 **collected by local and out-of-state sellers by imposing the same rate on all**
85 **sellers.**

86 YES NO

87

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

90

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

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

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

Section B. Because immediate action is necessary to address critical budgetary matters
2 of the state, the enactment of section 33.572 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and the enactment of
4 section 33.572 of section A of this act is hereby declared to be an emergency act within the

5 meaning of the constitution, and the enactment of section 33.572 of section A of this act shall
6 be in full force and effect upon its passage and approval.

Section C. The repeal and reenactment of section 144.605 of section A of this act and
2 the enactment of section 144.752 of section A of this act shall become effective on January 1,
3 2022.

✓