

SCS HB 1504 -- SALES TAXES

This bill changes the laws regarding sales taxes.

METROPOLITAN PARK AND RECREATION DISTRICT (Sections 67.750, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, and 67.1754, RSMo)

Upon approval of the voters of the county with the largest population within the St. Louis Metropolitan Park and Recreation District and at least one other county in the district, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation, except on the sale of food and prescription drugs, for the purpose of funding the operation and maintenance of the district. The bill specifies how the sales tax must be collected and allocated. Any increase in the tax requires the governing body of each county within the metropolitan district to submit it to the voters of the county for approval. No bonds, notes, or obligations issued to fund the specified activities can be secured by tax revenues allocated under specified provisions. Any contract for capital improvement or maintenance activities of the Gateway Arch grounds with tax revenues requires the concurrent approval of the metropolitan district, the public entity owning or controlling the real property being improved or maintained, and the public or not-for-profit entities directly providing supplemental funding for the contract. All capital improvements or maintenance activities must be constructed and performed in accordance with a comprehensive capital improvements program agreement approved by the metropolitan district before the public vote.

At a general election occurring not less than six months before the expiration of 20 years after the issuance of any bonds for the purpose of improving and maintaining the Gateway Arch grounds, but no later than 23 years after the effective date of the incremental sales tax as approved by voter initiative under these provisions, the governing body of any county within the metropolitan district whose voters approved the incremental tax must submit to its voters a proposal to reauthorize the tax.

TRANSIENT GUEST TAX IN THE CITY OF PEVELY (Section 67.1360)

The City of Pevely is authorized to impose, upon voter approval, a transient guest tax to fund the promotion of tourism.

THEATER, CULTURAL ARTS, AND ENTERTAINMENT DISTRICT IN BUCHANAN COUNTY (Sections 67.2500 and 67.2510)

The governing body of Buchanan County and the cities, towns, or

villages within Buchanan County that have adopted transect-based zoning are added to the list of governmental entities that are authorized to establish a theater, cultural arts, and entertainment district.

JACKSON COUNTY PARKS, TRAILS, AND GREENWAYS DISTRICT (Sections 67.5000 - 67.5038)

Jackson County is authorized to create a parks, trails, and greenways district and to impose an additional sales tax of 1/10 of one cent if the voters approve the creation of the district and the tax. The district will be responsible for the planning, development, operation, and maintenance of a public system of interconnecting trails, open spaces, greenways, and parks throughout Jackson County. The powers and responsibilities of the district must be supplemental to, but cannot be a substitute for, the powers and responsibilities of other parks and recreation systems located within the district or for the powers of other conservation and environmental regulatory agencies. These provisions cannot be interpreted to give any district authority to regulate water quality, watershed, or land use issues in the county comprising the district.

The district must have the power to issue tax-exempt bonds; enter into contracts; lease, purchase, own, hold, control, contract, sell, and receive land and real and personal property; establish and collect reasonable charges for the use of district facilities; maintain an office and employ staff; and appoint advisory committees.

The 1/10 of one cent sales tax must be distributed as follows:

(1) 45% to the parks, trails, and greenways district fund to pay the costs associated with an interconnecting system. Up to 5% must be used for grants to local public agencies to be used for activities that are consistent with the district's powers and duties. Up to 15% may be used for the costs of office and project administration;

(2) 15% to the county to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the district; and

(3) 40% to each of the cities in that county, in proportion to each city's relative local sales tax contributions, to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the district.

Annually, no later than 120 days after the close of each district's fiscal year, the board of each district must prepare a report on the operations and transactions of the district during the preceding year. The report must be an open record and must be submitted to the governing bodies of each city and county with the district beginning the year after the district is created and must be made readily available to the public.

The sales tax revenues cannot be paid to any special allocation fund established by any municipality under the provisions of the Real Property Tax Increment Allocation Redevelopment Act.

The district must be governed by a seven-member board, with one member chosen by the presiding commissioner or elected county executive of the county, two members appointed by the mayor of the largest city, and four members appointed on a rotating basis by the mayor of the next five most populous cities in the county.

The district board may enter into agreements with public authorities to pay for alterations to a public highway, street, or road that extends into or through a public trail, trail area, greenway, or park area of the district. No district can be authorized to exercise the power of eminent domain.

The district is required to follow the state's lowest and best bid standard for all construction or maintenance purchases exceeding \$10,000.

The question of whether to continue to impose the 1/10 of one cent local sales tax authorized by these provisions must be submitted to the voters of the county every 23 years after the voters of that county approved the initial imposition of the tax.

MUNICIPAL LICENSE TAXES (Section 71.625)

The interest provisions of Section 144.170 and the penalty provisions of Section 144.250 relating to delinquent sales taxes must apply to delinquent taxes due as a result of the imposition of a license tax by any municipal corporation. The limitation for bringing suit for the collection of the delinquent tax and penalty must be the same as provided in Sections 144.010 to 144.510.

CONVENTION AND TOURISM TAX IN KANSAS CITY (Section 92.338)

The governing body of the City of Kansas City is authorized to pass an ordinance and seek voter approval to collect its existing convention and tourism tax from certain transient guests who are otherwise exempt from the sales tax under Section 144.010 to 144.510. The proposal must be submitted to the voters at a

citywide general or primary election or at a special election.

REFUND OF SALES TAXES (Section 144.190)

A purchaser who originally paid sales or use taxes to a vendor or seller may submit a refund claim directly to the Director of the Department of Revenue if the taxes have been remitted to the department director; the claim is refunded only once; the claim is subject to any offset, defense, or other claim the department director otherwise would have against the purchaser or vendor or seller; and the claim is accompanied by a notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller or a notarized statement confirming the efforts that have been made to obtain the statement in the event that the vendor or seller fails or refuses to provide an assignment of rights statement within 60 days of the purchaser's written request, the purchaser is not able to locate the vendor or seller, or the vendor or seller is no longer in business. The department director cannot require the vendor, seller, or purchaser to submit an amended return for a refund claim made under these provisions. A purchaser must be entitled to appeal a refund denial to the Administrative Hearing Commission within 60 days from the date the department director mailed the notice. A purchaser is allowed to file an appeal of the department director's decision to deny a refund claim if the appeal is filed no later than September 28, 2012, for a refund denied on or after January 1, 2007, and the claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

SALES AND USE TAX PAYMENT BY COMMON CARRIERS (Section 144.805)

The bill extends, from December 31, 2013, to December 31, 2023, the expiration date of the provisions regarding the exemption for common carriers engaged in the interstate transportation of passengers and cargo on the sale of aviation jet fuel from any state and local sales and use tax if the common carrier has paid sales and use taxes applicable to the purchase, storage, or consumption of the fuel in an amount of \$1.5 million in the year.

PUBLIC LIBRARY DISTRICT SALES TAX (Section 182.802)

The bill adds any public library district in Pemiscot County to the list of districts authorized to impose, upon voter approval, a sales tax on retail sales of up to one-half of one cent for the purpose of operating and maintaining public libraries within the library district.