

February 14, 1974

OPINION LETTER NO. 64
Answer by letter-Bird

Honorable Charles M. LeCompte
Prosecuting Attorney
Greene County
Room 206, Courthouse
Springfield, Missouri 65802



Dear Mr. LeCompte:

This letter is in response to your request:

"Under RSMo 129.075, can a bank legally contribute corporate money to a committee to conduct a campaign in opposition to or in support of a city sales tax?"

As pertinent here, Section 129.070, RSMo 1969, provides:

"It shall not be lawful for any corporation organized and doing business under and by virtue of the laws of this state, to directly or indirectly, by or through any of its officers or agents, or by or through any person or persons for them, influence or attempt to influence the result of any election to be held in this state, . . . or by subscribing any money to any campaign fund of any party or person, . . . or to use or offer to use any power, effort, influence or other means whatsoever, to induce or persuade any employee or other person entitled to register before or vote at any election, to vote or refrain from voting for any candidate or on any question to be determined or at issue at any election. . . ."

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Section 129.075, RSMo 1969, provides:

"Notwithstanding the provisions of Chapter 129 prohibiting corporations from participating in political actions and in contributing to candidates, it shall not be unlawful for such corporation to participate in any campaign in connection with a change in any law directly affecting such corporation." (Emphasis added)

The central issue posed by your opinion request is whether the city sales tax directly affects a bank. Section 94.510.2, RSMo 1969, provides:

"The sales tax may be imposed at a rate of one-half of one percent or at one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo."

No tax upon any banking service is imposed by Sections 144.010 through 144.510 inclusive. Although it may be urged that a city sales tax has an impact upon the business community which may change the amount of a bank's business, this impact is too speculative to be considered to directly affect a bank. We therefore conclude that a bank has no direct interest in a city sales tax and may not legally contribute corporate money to a committee to conduct a campaign in opposition to or in support of a city sales tax.

Yours very truly,

JOHN C. DANFORTH
Attorney General