

FIRST REGULAR SESSION

# HOUSE BILL NO. 234

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TILLEY.

Read 1st time January 4, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0903L.01I

## AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community programs.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.997, to read as follows:

**67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No order or ordinance adopted under this section shall become effective unless the governing body of the county submits to the voters residing within the county at a state**

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.

15 general, primary, or special election a proposal to authorize the governing body of the  
16 county to impose a tax under this section.

17 The ballot of submission for the tax authorized in this section shall be in  
18 substantially the following form:

19 Shall ..... (insert the name of the county) impose a sales tax at a rate of ..... (insert  
20 rate of percent) percent, with half of the revenue from the tax to be used solely to fund  
21 senior services provided by the county and half of the revenue from the tax to be used  
22 solely to fund youth programs provided by the county?

23

24 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
25 favor of the question, then the tax shall become effective on the first day of the second  
26 calendar quarter immediately following the approval of the tax or notification to the  
27 department of revenue if such tax will be administered by the department of revenue. If  
28 a majority of the votes cast on the question by the qualified voters voting thereon are  
29 opposed to the question, then the tax shall not become effective unless and until the  
30 question is resubmitted under this section to the qualified voters and such question is  
31 approved by a majority of the qualified voters voting on the question.

32 3. On or after the effective date of any tax authorized under this section, the county  
33 which imposed the tax may adopt one of the two following provisions for the collection and  
34 administration of the tax:

35 (1) The county may adopt rules for the internal collection of such tax by the county  
36 officers usually responsible for collection and administration of county taxes; or

37 (2) The county may enter into an agreement with the director of the department  
38 of revenue for the purpose of collecting the tax authorized in this section. In the event the  
39 county enters into an agreement with the director of revenue for the collection of the tax,  
40 on or after the effective date of the tax the director of revenue shall be responsible for the  
41 administration, collection, enforcement, and operation of the tax, and sections 32.085 and  
42 32.087, RSMo, shall apply. All revenue collected under this section by the director of the  
43 department of revenue on behalf of any county, except for one percent for the cost of  
44 collection which shall be deposited in the state's general revenue fund, shall be deposited  
45 in a special trust fund, which is hereby created and shall be known as the "Senior Services  
46 and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated  
47 purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be  
48 commingled with any funds of the state. The director may make refunds from the amounts  
49 in the trust fund and credited to the county for erroneous payments and overpayments  
50 made, and may redeem dishonored checks and drafts deposited to the credit of such

51 county. Any funds in the special trust fund which are not needed for current expenditures  
52 shall be invested in the same manner as other funds are invested. Any interest and moneys  
53 earned on such investments shall be credited to the fund.

54 4. If the county administers and collects the tax, in order to permit sellers required  
55 to collect and report the sales tax to collect the amount required to be reported and  
56 remitted, but not to change the requirements of reporting or remitting the tax, or to serve  
57 as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the  
58 county may authorize the use of a bracket system similar to that authorized in section  
59 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket  
60 system shall be used where this tax is imposed and shall apply to all taxable transactions.  
61 Beginning with the effective date of the tax, every retailer in the county shall add the sales  
62 tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid,  
63 and shall be recoverable at law in the same manner as the purchase price. For purposes  
64 of this section, all retail sales shall be deemed to be consummated at the place of business  
65 of the retailer.

66 5. The governing body of any county that has adopted the sales tax authorized in  
67 this section may submit the question of repeal of the tax to the voters on any date available  
68 for elections for the county.

69

70 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
71 favor of repeal, that repeal shall become effective on December thirty-first of the calendar  
72 year in which such repeal was approved. If a majority of the votes cast on the question by  
73 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized  
74 in this section shall remain effective until the question is resubmitted under this section to  
75 the qualified voters and the repeal is approved by a majority of the qualified voters voting  
76 on the question.

77 7. Whenever the governing body of any county that has adopted the sales tax  
78 authorized in this section receives a petition, signed by ten percent of the registered voters  
79 of the county voting in the last gubernatorial election, calling for an election to repeal the  
80 sales tax imposed under this section, the governing body shall submit to the voters of the  
81 county a proposal to repeal the tax. If a majority of the votes cast on the question by the  
82 qualified voters voting thereon are in favor of the repeal, the repeal shall become effective  
83 on December thirty-first of the calendar year in which such repeal was approved. If a  
84 majority of the votes cast on the question by the qualified voters voting thereon are  
85 opposed to the repeal, then the sales tax authorized in this section shall remain effective

86 until the question is resubmitted under this section to the qualified voters and the repeal  
87 is approved by a majority of the qualified voters voting on the question.

88       **8. If the tax is repealed or terminated by any means, all funds remaining in the**  
89 **special trust fund shall continue to be used solely for the designated purposes, and the**  
90 **county shall notify the director of the department of revenue of the action at least thirty**  
91 **days before the effective date of the repeal and the director may order retention in the trust**  
92 **fund, for a period of one year, of two percent of the amount collected after receipt of such**  
93 **notice to cover possible refunds or overpayment of the tax and to redeem dishonored**  
94 **checks and drafts deposited to the credit of such accounts. After one year has elapsed after**  
95 **the effective date of abolition of the tax in such county, the director shall remit the balance**  
96 **in the account to the county and close the account of that county. The director shall notify**  
97 **each county of each instance of any amount refunded or any check redeemed from receipts**  
98 **due the county.**

99       **9. Each county imposing the tax authorized in this section shall establish a senior**  
100 **services tax commission to administer the portion of the sales tax revenue dedicated to**  
101 **providing senior services. Such commission shall consist of seven members appointed by**  
102 **the county commission. The county commission shall determine the qualifications, terms**  
103 **of office, compensation, powers, duties, restrictions, procedures, and all other necessary**  
104 **functions of the commission.**

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