

FIRST REGULAR SESSION

HOUSE BILL NO. 268

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUADE.

0369H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for early childhood education programs, with penalty provisions.

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 67.1790, to read as follows:

67.1790. 1. The governing body of any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, or any city within such county, may impose by order or ordinance a sales tax on all retail sales made within the county or city that are subject to sales tax under chapter 144 for the purpose of funding early childhood education programs in the county or city. The tax shall not exceed one-fourth of one percent and shall be imposed solely for the purpose of funding early childhood education programs in the county or city. 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. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the county or city submits to the voters residing within the county or city, at a general election, a proposal to authorize the governing body of the county or city to impose a tax under this section.

2. The proposal of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

Shall _____ (name of county/city) impose a (countywide/citywide) sales tax at a rate of _____ percent for the purpose of funding early childhood education in the (county/city)?

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.

18 ☐ YES ☐ NO

19

20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
21 favor of the proposal, the order or ordinance shall become effective on the first day of the
22 second calendar quarter after the director of revenue receives notice of adoption of the tax.

23 If a majority of the votes cast on the proposal by the qualified voters voting thereon are
24 opposed to the proposal, the county or city shall not impose the sales tax authorized under
25 this section unless and until the proposal is resubmitted under this section to the qualified
26 voters and such proposal is approved by a majority of the qualified voters voting thereon.

27 3. Before the effective date of any tax authorized under this section, the county or
28 city that imposes the tax shall enter into an agreement with the director of revenue for the
29 purpose of collecting the tax authorized in this section. On and after the effective date of
30 the tax, the director of revenue shall be responsible for the administration, collection,
31 enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. All
32 revenue collected under this section by the director of revenue on behalf of any county or
33 city, less one percent for the cost of collection which shall be deposited in the state's general
34 revenue fund, shall be deposited in a special trust fund, which is hereby created and shall
35 be known as the "Early Childhood Education Sales Tax Trust Fund" and shall be used
36 solely for the designated purposes. Moneys in the fund shall not be deemed to be state
37 funds and shall not be commingled with any funds of the state. The director may make
38 refunds from the amounts in the trust fund and credited to the county or city for erroneous
39 payments and overpayments made and may redeem dishonored checks and drafts
40 deposited to the credit of such county or city. Any funds in the special trust fund that are
41 not needed for current expenditures shall be invested in the same manner as other funds
42 are invested. Any interest and moneys earned on such investments shall be credited to the
43 fund.

44 4. In order to permit sellers required to collect and report the sales tax to collect the
45 amount required to be reported and remitted, but not to change the requirements of
46 reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid
47 fractions of pennies, the governing body of the county or city may authorize the use of a
48 bracket system similar to that authorized under section 144.285, and, notwithstanding the
49 provisions of that section, this new bracket system shall be used where this tax is imposed
50 and shall apply to all taxable transactions. Beginning with the effective date of the tax,
51 every retailer in the county or city shall add the sales tax to the sale price, and this tax shall
52 be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the

53 same manner as the purchase price. For purposes of this section, all retail sales shall be
54 deemed to be consummated at the place of business of the retailer.

55 **5. All applicable provisions in sections 144.010 to 144.527 governing the state sales**
56 **tax and section 32.057, the uniform confidentiality provision, shall apply to the collection**
57 **of the tax, and all exemptions granted to agencies of government, organizations, and**
58 **persons under sections 144.010 to 144.527 are hereby made applicable to the imposition**
59 **and collection of the tax. The same sales tax permit, exemption certificate, and retail**
60 **certificate required by sections 144.010 to 144.527 for the administration and collection of**
61 **the state sales tax shall satisfy the requirements of this section, and no additional permit,**
62 **exemption certificate, or retail certificate shall be required, except that the director of**
63 **revenue may prescribe a form of exemption certificate for an exemption from the tax. All**
64 **discounts allowed the retailer under the state sales tax for the collection of and for payment**
65 **of taxes are hereby allowed and made applicable to the tax. The penalties for violations**
66 **provided in section 32.057 and sections 144.010 to 144.527 are hereby made applicable to**
67 **violations of this section. If any person is delinquent in the payment of the amount**
68 **required to be paid under this section, or in the event a determination has been made**
69 **against the person for taxes and penalties under this section, the limitation for bringing suit**
70 **for the collection of the delinquent tax and penalties shall be the same as that provided in**
71 **sections 144.010 to 144.527.**

6. The governing body of any county or city that has adopted the sales tax authorized in this section may submit a proposal to repeal the tax to the voters at a general election. The ballot of submission shall be in substantially the following form:

75 **Shall _____ (name of county/city) repeal the sales tax imposed at a rate**
76 **of _____ percent for the purpose of funding early childhood education in the**
77 **(county/city)?**

78 ☐ **YES** ☐ **NO**

79

80 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
81 favor of repeal, the repeal shall become effective on December thirty-first of the calendar
82 year in which such repeal was approved. If a majority of the votes cast on the proposal by
83 the qualified voters voting thereon are opposed to the repeal, the sales tax authorized in
84 this section shall remain effective until the proposal is resubmitted under this section to the
85 qualified voters and is approved by a majority of the qualified voters voting thereon.

86 **7. If the governing body of any county or city that has adopted the sales tax**
87 **authorized in this section receives a petition signed by at least ten percent of the registered**
88 **voters of the county or city voting in the last gubernatorial election calling for an election**

89 to repeal the sales tax imposed under this section, the governing body shall submit at a
90 general election to the voters of the county or city a proposal to repeal the tax. If a
91 majority of the votes cast on the proposal by the qualified voters voting thereon are in
92 favor of the repeal, the repeal shall become effective on December thirty-first of the
93 calendar year in which such repeal was approved. If a majority of the votes cast on the
94 proposal by the qualified voters voting thereon are opposed to the repeal, the sales tax
95 authorized in this section shall remain effective until the proposal is resubmitted under this
96 section to the qualified voters and the repeal is approved by a majority of the qualified
97 voters voting thereon.

98 8. If the tax is repealed or terminated by any means, all funds remaining in the
99 special trust fund shall continue to be used solely for the designated purposes; the county
100 or city shall notify the director of revenue of the action at least thirty days before the
101 effective date of the repeal; and the director may order retention in the trust fund, for a
102 period of one year, of two percent of the amount collected after receipt of such notice to
103 cover possible refunds or overpayments of the tax and to redeem dishonored checks and
104 drafts deposited to the credit of such accounts. After one year has elapsed from the
105 effective date of abolition of the tax in such county or city, the director shall remit the
106 balance in the account to the county or city and close the account of that county or city.
107 The director shall notify each county or city of each instance of any amount refunded or
108 any check redeemed from receipts due the county or city.

109 9. The governing body of each county or city imposing the tax authorized under
110 this section shall select an existing community task force to administer the revenue from
111 the tax received by the county or city. Such revenue shall be expended only upon approval
112 of an existing community task force selected by the governing body of the county or city
113 to administer the funds and only in accordance with a budget approved by the county or
114 city governing body.

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