

FIRST REGULAR SESSION

HOUSE BILL NO. 373

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUADE.

1212H.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 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

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20 **If a majority of the votes cast on the proposal by the qualified voters voting thereon are**
21 **in favor of the proposal, the order or ordinance shall become effective on the first day of**
22 **the second calendar quarter after the director of revenue receives notice of adoption of**
23 **the tax. If a majority of the votes cast on the proposal by the qualified voters voting**
24 **thereon are opposed to the proposal, the county or city shall not impose the sales tax**
25 **authorized under this section unless and until the proposal is resubmitted under this**
26 **section to the qualified voters and such proposal is approved by a majority of the**
27 **qualified voters voting thereon.**

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

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

90 **7. If the governing body of any county or city that has adopted the sales tax**
91 **authorized in this section receives a petition signed by at least ten percent of the**
92 **registered voters of the county or city voting in the last gubernatorial election calling for**
93 **an election to repeal the sales tax imposed under this section, the governing body shall**
94 **submit at a general election to the voters of the county or city a proposal to repeal the**
95 **tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon**
96 **are in favor of the repeal, the repeal shall become effective on December thirty-first of**
97 **the calendar year in which such repeal was approved. If a majority of the votes cast on**
98 **the proposal by the qualified voters voting thereon are opposed to the repeal, the sales**
99 **tax authorized in this section shall remain effective until the proposal is resubmitted**
100 **under this section to the qualified voters and the repeal is approved by a majority of the**
101 **qualified voters voting thereon.**

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

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

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