

FIRST REGULAR SESSION

# HOUSE BILL NO. 760

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AUSTIN.

1407H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to the local workforce development act of 2017, with penalty provisions.

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*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  
2 known as section 67.1790, to read as follows:

**67.1790. 1. The provisions of this section shall be known as the "Local Workforce  
2 Development Act of 2017".**

**3 2. The governing body of any county of the first classification with more than two  
4 hundred sixty thousand but fewer than three hundred thousand inhabitants, or any city  
5 within such county, may impose by order or ordinance a sales tax on all retail sales made  
6 within the county or city that are subject to sales tax under chapter 144 for the purpose of  
7 funding early childhood education programs in the county or city. The tax shall not exceed  
8 one quarter of one percent and shall be imposed solely for the purpose of funding early  
9 childhood education programs in the county or city. The tax authorized in this section  
10 shall be in addition to all other sales taxes imposed by law and shall be stated separately  
11 from all other charges and taxes. The order or ordinance imposing a sales tax under this  
12 section shall not become effective unless the governing body of the county or city submits  
13 to the voters residing within the county or city, at a general election, a proposal to  
14 authorize the governing body of the county or city to impose a tax under this section.**

**15 3. The question of whether the tax authorized by this section shall be imposed shall  
16 be submitted in substantially the following form:**

17

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.

**OFFICIAL BALLOT**

18

19 **Shall ..... (name of county/city) impose a (countywide/citywide) sales tax at a**  
20 **rate of ..... (insert rate) percent for the purpose of funding early childhood education in the**  
21 **county or city?**

22

**YES**

**NO**

23

24 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**  
25 **opposed to the question, place an "X" in the box opposite "NO".**

26

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

30 **If a majority of the votes cast on the question by the qualified voters voting thereon are**  
31 **opposed to the question, the county or city shall not impose the sales tax authorized under**  
32 **this section unless and until the question is resubmitted under this section to the qualified**  
33 **voters and such question is approved by a majority of the qualified voters voting on the**  
34 **question.**

35

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

52

53 **5. In order to permit sellers required to collect and report the sales tax to collect the**  
54 **amount required to be reported and remitted, but not to change the requirements of**

54 reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid  
 55 fractions of pennies, the governing body of the county or city may authorize the use of a  
 56 bracket system similar to that authorized in section 144.285, and, notwithstanding the  
 57 provisions of that section, this new bracket system shall be used where this tax is imposed  
 58 and shall apply to all taxable transactions. Beginning with the effective date of the tax,  
 59 every retailer in the county or city shall add the sales tax to the sale price, and this tax shall  
 60 be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the  
 61 same manner as the purchase price. For purposes of this section, all retail sales shall be  
 62 deemed to be consummated at the place of business of the retailer.

63         **6. All applicable provisions in sections 144.010 to 144.525 governing the state sales**  
 64 **tax and section 32.057, the uniform confidentiality provision, shall apply to the collection**  
 65 **of the tax, and all exemptions granted to agencies of government, organizations, and**  
 66 **persons under sections 144.010 to 144.525 are hereby made applicable to the imposition**  
 67 **and collection of the tax. The same sales tax permit, exemption certificate, and retail**  
 68 **certificate required by sections 144.010 to 144.525 for the administration and collection of**  
 69 **the state sales tax shall satisfy the requirements of this section, and no additional permit**  
 70 **or exemption certificate or retail certificate shall be required, except that the director of**  
 71 **revenue may prescribe a form of exemption certificate for an exemption from the tax. All**  
 72 **discounts allowed the retailer under the state sales tax for the collection of and for payment**  
 73 **of taxes are hereby allowed and made applicable to the tax. The penalties for violations**  
 74 **provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to**  
 75 **violations of this section. If any person is delinquent in the payment of the amount**  
 76 **required to be paid under this section, or in the event a determination has been made**  
 77 **against the person for taxes and penalty under this section, the limitation for bringing suit**  
 78 **for the collection of the delinquent tax and penalty shall be the same as that provided in**  
 79 **sections 144.010 to 144.525.**

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

83

84 **Shall ..... (insert the name of the county or city) repeal the sales tax imposed at a rate**  
 85 **of ..... (insert rate) percent for the purpose of funding early childhood education in the**  
 86 **county or city?**

87

YES

NO

88

89 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**  
90 **opposed to the question, place an "X" in the box opposite "NO".**

91

92 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**  
93 **favor of repeal, that repeal shall become effective on December thirty-first of the calendar**  
94 **year in which such repeal was approved. If a majority of the votes cast on the question by**  
95 **the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized**  
96 **in this section shall remain effective until the question is resubmitted under this section to**  
97 **the qualified voters and the repeal is approved by a majority of the qualified voters voting**  
98 **on the question.**

99 **8. Whenever the governing body of any county or city that has adopted the sales**  
100 **tax authorized in this section receives a petition, signed by ten percent of the registered**  
101 **voters of the county or city voting in the last gubernatorial election, calling for an election**  
102 **to repeal the sales tax imposed under this section, the governing body shall submit to the**  
103 **voters of the county or city a proposal to repeal the tax. If a majority of the votes cast on**  
104 **the question by the qualified voters voting thereon are in favor of the repeal, the repeal**  
105 **shall become effective on December thirty-first of the calendar year in which such repeal**  
106 **was approved. If a majority of the votes cast on the question by the qualified voters voting**  
107 **thereon are opposed to the repeal, then the sales tax authorized in this section shall remain**  
108 **effective until the question is resubmitted under this section to the qualified voters and the**  
109 **repeal is approved by a majority of the qualified voters voting on the question.**

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

121 **10. The governing body of each county or city imposing the tax authorized under**  
122 **this section shall select an existing community task force to administer the revenue from**  
123 **the tax received by the county or city. Such revenue shall be expended only upon approval**  
124 **of an existing community task force selected by the governing body of the county or city**

125 **to administer the funds and only in accordance with a budget approved by the county or**  
126 **city governing body.**

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