

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 867, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "67.1790. 1. The governing body of any county of the first classification with more than
5 two hundred sixty thousand but fewer than three hundred thousand inhabitants or any city within
6 such county may impose by order or ordinance a sales tax on all retail sales made within the county
7 or city that are subject to sales tax under chapter 144 for the purpose of funding early childhood
8 education programs in the county or city. The tax shall not exceed one quarter of one percent and
9 shall be imposed solely for the purpose of funding early childhood education programs in the county
10 or city. The tax authorized in this section shall be in addition to all other sales taxes imposed by law
11 and shall be stated separately from all other charges and taxes. The order or ordinance imposing a
12 sales tax under this section shall not become effective unless the governing body of the county or
13 city submits 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 2. The question of whether the tax authorized by this section shall be imposed shall be
16 submitted in substantially the following form:

17 OFFICIAL BALLOT

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

21 YES NO

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

24
25 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
26 the question, the order or ordinance shall become effective on the first day of the second calendar
27 quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the
28 votes cast on the question by the qualified voters voting thereon are opposed to the question, the
29 county or city may not impose the sales tax authorized under this section unless and until the
30 question is resubmitted under this section to the qualified voters and such question is approved by a
31 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 or city
33 that imposed the tax shall enter into an agreement with the director of the department of revenue for
34 the purpose of collecting the tax authorized in this section. On or after the effective date of the tax
35 the director of revenue shall be responsible for the administration, collection, enforcement, and
36 operation of the tax, and sections 32.085 and 32.087 shall apply. All revenue collected under this

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 section by the director of the department of revenue on behalf of any county or city, except for one
 2 percent for the cost of collection which shall be deposited in the state's general revenue fund, shall
 3 be deposited in a special trust fund, which is hereby created and shall be known as the "Early
 4 Childhood Education Sales Tax Trust Fund" and shall be used solely for the designated purposes.
 5 Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any
 6 funds of the state. The director may make refunds from the amounts in the trust fund and credited
 7 to the county or city for erroneous payments and overpayments made and may redeem dishonored
 8 checks and drafts deposited to the credit of such county or city. Any funds in the special trust fund
 9 that are not needed for current expenditures shall be invested in the same manner as other funds are
 10 invested. Any interest and moneys earned on such investments shall be credited to the fund.

11 4. In order to permit sellers required to collect and report the sales tax to collect the amount
 12 required to be reported and remitted, but not to change the requirements of reporting or remitting
 13 the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing
 14 body of the county or city may authorize the use of a bracket system similar to that authorized under
 15 section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be
 16 used where this tax is imposed and shall apply to all taxable transactions. Beginning with the
 17 effective date of the tax, every retailer in the county or city shall add the sales tax to the sale price,
 18 and this tax shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law
 19 in the same manner as the purchase price. For purposes of this section, all retail sales shall be
 20 deemed to be consummated at the place of business of the retailer.

21 5. All applicable provisions under sections 144.010 to 144.525 governing the state sales tax,
 22 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax,
 23 and all exemptions granted to agencies of government, organizations, and persons under sections
 24 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The
 25 same sales tax permit, exemption certificate, and retail certificate required under sections 144.010 to
 26 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of
 27 this section, and no additional permit or exemption certificate or retail certificate shall be required;
 28 except that, the director of revenue may prescribe a form of exemption certificate for an exemption
 29 from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for
 30 payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations
 31 provided under section 32.057 and sections 144.010 to 144.525 are hereby made applicable to
 32 violations of this section. If any person is delinquent in the payment of the amount required to be
 33 paid under this section, or in the event a determination has been made against the person for taxes
 34 and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax
 35 and penalty shall be the same as that provided under sections 144.010 to 144.525.

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

39 Shall (insert the name of the county or city) repeal the sales tax imposed at a rate
 40 of (insert rate) percent for the purpose of funding early childhood education in the county or
 41 city?

42 YES NO

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

45
 46 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 47 repeal, that repeal shall become effective on December thirty-first of the calendar year in which
 48 such repeal was approved. If a majority of the votes cast on the question by the qualified voters

1 voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain
2 effective until the question is resubmitted under this section to the qualified voters and the repeal is
3 approved by a majority of the qualified voters voting on the question.

4 7. Whenever the governing body of any county or city that has adopted the sales tax
5 authorized in this section receives a petition, signed by ten percent of the registered voters of the
6 county or city voting in the last gubernatorial election, calling for an election to repeal the sales tax
7 imposed under this section, the governing body shall submit to the voters of the county or city a
8 proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters
9 voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first
10 of the calendar year in which such repeal was approved. If a majority of the votes cast on the
11 question by the qualified voters voting thereon are opposed to the repeal, then the sales tax
12 authorized in this section shall remain effective until the question is resubmitted under this section
13 to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the
14 question.

15 8. If the tax is repealed or terminated by any means, all funds remaining in the special trust
16 fund shall continue to be used solely for the designated purposes, and the county or city shall notify
17 the director of the department of revenue of the action at least thirty days before the effective date of
18 the repeal and the director may order retention in the trust fund, for a period of one year, of two
19 percent of the amount collected after receipt of such notice to cover possible refunds or
20 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such
21 accounts. After one year has elapsed after the effective date of abolition of the tax in such county or
22 city, the director shall remit the balance in the account to the county or city and close the account of
23 that county or city. The director shall notify each county or city of each instance of any amount
24 refunded or any check redeemed from receipts due the county or city.

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

30 10. Notwithstanding any other provision of law, any tax authorized under the provisions of
31 this section shall be submitted to the voters of the taxing jurisdiction for retention or repeal every
32 five years using the same procedure by which the imposition of the tax was voted. If a majority of
33 the votes cast on the proposal by the qualified voters of the taxing jurisdiction voting thereon are in
34 favor of retention, the tax shall continue in effect. If a majority of the votes cast on the proposal by
35 the qualified voters of the taxing jurisdiction voting thereon are not in favor of retention, the tax
36 shall be repealed and that repeal shall become effective December thirty-first of the calendar year in
37 which such repeal was approved."; and

38
39 Further amend said bill by amending the title, enacting clause, and intersectional references
40 accordingly.