

SECOND REGULAR SESSION

SENATE BILL NO. 1026

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIGGINS.

Read 1st time February 17, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

44751.011

AN ACT

To repeal section 144.700, RSMo 1994, relating to the school district trust fund, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 144.700, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 144.700, to read as follows:

144.700. 1. All revenue received by the director of revenue from the tax imposed by sections 144.010 to 144.430 and 144.600 to 144.745, except that revenue derived from the rate of one cent on the dollar of the tax which shall be held and distributed in the manner provided in sections 144.701 and 163.031, RSMo, **and in subsection 2 of this section**, shall be deposited in the state general revenue fund, including any payments of the taxes made under protest.

2. **All revenue received by the director of revenue from the tax imposed by sections 144.010 to 144.430 and 144.600 to 144.745 on motor vehicles, trailers, motorcycles, mopeds and motortricycles shall first be distributed pursuant to article IV, section 30(b) of the Missouri Constitution and any other applicable provisions of the Missouri Constitution. Following distribution of such revenue pursuant to the Missouri Constitution, all revenue received by the director of revenue from the rate of one cent on the dollar of the tax imposed by sections 144.010 to 144.430 and 144.600 to 144.745 on all sales of motor vehicles, trailers, motorcycles, mopeds and motortricycles shall be distributed to the school district trust fund pursuant to section 144.701.**

3. The director of revenue shall keep accurate records of any payment of the tax made under protest. In the event any payment shall be made under protest:

(1) A protest affidavit shall be submitted to the director of revenue within thirty days after

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

the payment is made; and

(2) An appeal shall be taken in the manner provided in section 144.261 from any decision of the director of revenue disallowing the making of the payment under protest or an application shall be filed by a protesting taxpayer with the director of revenue for a stay of the period for appeal on the ground that a case is presently pending in the courts involving the same question, with an agreement by the taxpayer to be bound by the final decision in the pending case.

[3.] 4. Nothing in this section shall be construed to apply to any refund to which the taxpayer would be entitled under any applicable provision of law.

[4.] 5. All payments deposited in the state general revenue fund that are made under protest shall be retained in the state treasury if the taxpayer does not prevail. If the taxpayer prevails, then taxes paid under protest shall be refunded to the taxpayer, with all interest income derived therefrom, from funds appropriated by the general assembly for such purpose.

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Bill

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