

SECOND REGULAR SESSION

HOUSE BILL NO. 1816

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEINERS (Sponsor) AND HOLSMAN (Co-sponsor).

4655L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

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

Section A. Section 94.902, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 94.902, to read as follows:

94.902. 1. The governing body of any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants, or any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants, **or any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants**, may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144, RSMo. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. 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 city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

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.

17 2. The ballot of submission for the tax authorized in this section shall be in substantially
18 the following form:

19 Shall the city of (city's name) impose a citywide sales tax at
20 a rate of (insert rate of percent) percent for the purpose of improving the public safety of
21 the 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 opposed
25 to the question, place an "X" in the box opposite "NO".

26

27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
28 of the proposal, then the ordinance or order and any amendments to the order or ordinance shall
29 become effective on the first day of the second calendar quarter after the director of revenue
30 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal
31 by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become
32 effective unless the proposal is resubmitted under this section to the qualified voters and such
33 proposal is approved by a majority of the qualified voters voting on the proposal. However, in
34 no event shall a proposal under this section be submitted to the voters sooner than twelve months
35 from the date of the last proposal under this section.

36 3. Any sales tax imposed under this section shall be administered, collected, enforced,
37 and operated as required in section 32.087, RSMo. All sales taxes collected by the director of
38 the department of revenue under this section on behalf of any city, less one percent for cost of
39 collection which shall be deposited in the state's general revenue fund after payment of premiums
40 for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund,
41 which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax
42 Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not
43 be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the
44 contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of
45 the general revenue fund. The director shall keep accurate records of the amount of money in
46 the trust fund and which was collected in each city imposing a sales tax under this section, and
47 the records shall be open to the inspection of officers of the city and the public. Not later than
48 the tenth day of each month the director shall distribute all moneys deposited in the trust fund
49 during the preceding month to the city which levied the tax. Such funds shall be deposited with
50 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall
51 be by an appropriation act to be enacted by the governing body of each such city. Expenditures
52 may be made from the fund for any functions authorized in the ordinance or order adopted by

53 the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining
54 in the special trust fund shall continue to be used solely for the designated purposes. Any funds
55 in the special trust fund which are not needed for current expenditures shall be invested in the
56 same manner as other funds are invested. Any interest and moneys earned on such investments
57 shall be credited to the fund.

58 4. The director of the department of revenue may authorize the state treasurer to make
59 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
60 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
61 such cities. If any city abolishes the tax, the city shall notify the director of the action at least
62 ninety days before the effective date of the repeal, and the director may order retention in the
63 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
64 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
65 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
66 of abolition of the tax in such city, the director shall remit the balance in the account to the city
67 and close the account of that city. The director shall notify each city of each instance of any
68 amount refunded or any check redeemed from receipts due the city.

69 5. The governing body of any city that has adopted the sales tax authorized in this section
70 may submit the question of repeal of the tax to the voters on any date available for elections for
71 the city. The ballot of submission shall be in substantially the following form:

72 Shall (insert the name of the city) repeal the sales tax
73 imposed at a rate of (insert rate of percent) percent for the purpose of improving the public
74 safety of the city?

75 YES NO

76

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

83 6. Whenever the governing body of any city that has adopted the sales tax authorized in
84 this section receives a petition, signed by ten percent of the registered voters of the city voting
85 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
86 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
87 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
88 the repeal, that repeal shall become effective on December thirty-first of the calendar year in

89 which such repeal was approved. If a majority of the votes cast on the question by the qualified
90 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
91 question is resubmitted under this section to the qualified voters and the repeal is approved by
92 a majority of the qualified voters voting on the question.

93 7. Except as modified in this section, all provisions of sections 32.085 and 32.087,
94 RSMo, shall apply to the tax imposed under this section.

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