

FIRST REGULAR SESSION

HOUSE BILL NO. 853

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NANCE (Sponsor) AND NOLTE (Co-sponsor).

0782L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 94, RSMo, by adding thereto one new section relating to a sales tax for community centers.

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

Section A. Chapter 94, RSMo, is amended by adding thereto one new section, to be known as section 94.585, to read as follows:

94.585. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of funding the construction, maintenance, operation, and equipping of a community center and retiring any bonds issued for such purposes. 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.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax and issue bonds under this section. Such a proposal may include only the proposal to impose a sales tax or a proposal to issue bonds and to impose a sales tax to retire such bonds. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of

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 adoption of the local sales tax, except that any proposal submitted to issue bonds shall be
19 approved by the constitutionally required percentage of the voters voting thereon to
20 become effective. If a majority of the votes cast on the question by the qualified voters
21 voting thereon are opposed to the question, then the tax shall not become effective unless
22 and until the question is resubmitted under this section to the qualified voters and such
23 question is approved by the requisite majority of the qualified voters voting on the
24 question. In no event shall a proposal under this section be submitted to the voters sooner
25 than twelve months from the date of the last proposal under this section.

26 3. Except as modified in this section, all provisions of sections 32.085 and 32.087
27 shall apply to the tax imposed under this section.

28 4. All revenue collected under this section by the director of the department of
29 revenue on behalf of any city, except for one percent for the cost of collection which shall
30 be deposited in the state's general revenue fund after payment of premiums for surety
31 bonds as provided in section 32.087, shall be deposited in a special trust fund, which is
32 hereby created and shall be known as the "City Community Center Sales Tax Trust
33 Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not
34 be deemed to be state funds, and shall not be commingled with any funds of the state. The
35 director may make refunds from the amounts in the fund and credited to the city for
36 erroneous payments and overpayments made, and may redeem dishonored checks and
37 drafts deposited to the credit of such city. Any funds in the special fund which are not
38 needed for meeting current obligations under any bond issued under this section or for
39 current expenditures shall be invested in the same manner as other funds are invested.
40 Any interest and moneys earned on such investments shall be credited to the fund.

41 5. The governing body of any city that has adopted the sales tax authorized in this
42 section may submit the question of repeal of the tax to the voters on any date available for
43 elections for the city. Except as provided in subsection 8 of this section, if a majority of the
44 votes cast on the question by the qualified voters voting thereon are in favor of the repeal,
45 that repeal shall become effective on December thirty-first of the calendar year in which
46 such repeal was approved. If a majority of the votes cast on the question by the qualified
47 voters voting thereon are opposed to the repeal, then the sales tax authorized in this section
48 shall remain effective until the question is resubmitted under this section to the qualified
49 voters and the repeal is approved by a majority of the qualified voters voting on the
50 question.

51 6. Whenever the governing body of any city that has adopted the sales tax
52 authorized in this section receives a petition, signed by a number of registered voters of the
53 city equal to at least ten percent of the number of registered voters of the city voting in the

54 last gubernatorial election, calling for an election to repeal the sales tax imposed under this
55 section, the governing body shall submit to the voters of the city a proposal to repeal the
56 tax. Except as provided in subsection 8 of this section, if a majority of the votes cast on the
57 question by the qualified voters voting thereon are in favor of the repeal, the repeal shall
58 become effective on December thirty-first of the calendar year in which such repeal was
59 approved. If a majority of the votes cast on the question by the qualified voters voting
60 thereon are opposed to the repeal, then the sales tax authorized in this section shall remain
61 effective until the question is resubmitted under this section to the qualified voters and the
62 repeal is approved by a majority of the qualified voters voting on the question.

63 **7. If the tax is repealed or terminated by any means, all funds remaining in the**
64 **special trust fund shall continue to be used solely for the designated purposes, and the city**
65 **shall notify the director of the department of revenue of the action at least ninety days**
66 **before the effective date of the repeal and the director may order retention in the trust**
67 **fund, for a period of one year, of two percent of the amount collected after receipt of such**
68 **notice to cover possible refunds or overpayment of the tax and to redeem dishonored**
69 **checks and drafts deposited to the credit of such accounts. After one year has elapsed after**
70 **the effective date of abolition of the tax in such city, the director shall remit the balance in**
71 **the account to the city and close the account of that city. The director shall notify each city**
72 **of each instance of any amount refunded or any check redeemed from receipts due the city.**

73 **8. No sales tax imposed under this section shall be terminated until all of any bonds**
74 **issued under this section have been retired.**

75 **9. The sales tax imposed under this section shall be imposed for a period of twenty-**
76 **five years, and may be extended upon the approval of the voters of the city in the same**
77 **manner in which the sales tax was adopted.**

78 **10. The city shall establish a board consisting of seven members, one of which shall**
79 **be the mayor of the city, to administer the provisions of this section with such powers and**
80 **duties which shall be delegated by the governing body of the city.**

81 **11. No bonds issued under this section shall be refinanced for a term longer than**
82 **the number of years remaining on the original terms of the bonds being refinanced without**
83 **the approval of the voters of the city. Any proposal to refinance such bonds submitted to**
84 **the voters shall include the number of years the bonds will be refinanced and the number**
85 **of years the sales tax will be extended to repay such refinanced bonds.**