

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2186
99TH GENERAL ASSEMBLY

5893H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales tax dedicated to public safety.

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

Section A. Section 94.900, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 94.900, to read as follows:

94.900. 1. (1) The governing body of the following cities may impose a tax as provided in this section:

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;

(b) Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;

(c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(f) Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants; ~~[or]~~

(g) Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants; **or**

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.

19 **(h) Any city of the fourth classification with more than four thousand but fewer**
20 **than four thousand five hundred inhabitants and located in any county of the first**
21 **classification with more than one hundred fifty thousand but fewer than two hundred**
22 **thousand inhabitants.**

23 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby
24 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one
25 percent on all retail sales made in such city which are subject to taxation under the provisions
26 of sections 144.010 to 144.525 for the purpose of improving the public safety for such city,
27 including but not limited to expenditures on equipment, city employee salaries and benefits, and
28 facilities for police, fire and emergency medical providers. The tax authorized by this section
29 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or
30 order imposing a sales tax pursuant to the provisions of this section shall be effective unless the
31 governing body of the city submits to the voters of the city, at a county or state general, primary
32 or special election, a proposal to authorize the governing body of the city to impose a tax.

33 2. If the proposal submitted involves only authorization to impose the tax authorized by
34 this section, the ballot of submission shall contain, but need not be limited to, the following
35 language:

36 Shall the city of _____ (city's name) impose a citywide sales tax of _____ (insert
37 amount) for the purpose of improving the public safety of the city?

38 YES NO

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

41 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
42 of the proposal submitted pursuant to this subsection, then the ordinance or order and any
43 amendments thereto shall be in effect on the first day of the second calendar quarter after the
44 director of revenue receives notification of adoption of the local sales tax. If a proposal receives
45 less than the required majority, then the governing body of the city shall have no power to
46 impose the sales tax herein authorized unless and until the governing body of the city shall again
47 have submitted another proposal to authorize the governing body of the city to impose the sales
48 tax authorized by this section and such proposal is approved by the required majority of the
49 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section
50 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant
51 to this section.

52 3. All revenue received by a city from the tax authorized under the provisions of this
53 section shall be deposited in a special trust fund and shall be used solely for improving the public
54 safety for such city for so long as the tax shall remain in effect.

55 4. Once the tax authorized by this section is abolished or is terminated by any means, all
56 funds remaining in the special trust fund shall be used solely for improving the public safety for
57 the city. Any funds in such special trust fund which are not needed for current expenditures may
58 be invested by the governing body in accordance with applicable laws relating to the investment
59 of other city funds.

60 5. All sales taxes collected by the director of the department of revenue under this
61 section on behalf of any city, less one percent for cost of collection which shall be deposited in
62 the state's general revenue fund after payment of premiums for surety bonds as provided in
63 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known
64 as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be
65 deemed to be state funds and shall not be commingled with any funds of the state. The
66 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be
67 transferred and placed to the credit of the general revenue fund. The director of the department
68 of revenue shall keep accurate records of the amount of money in the trust and which was
69 collected in each city imposing a sales tax pursuant to this section, and the records shall be open
70 to the inspection of officers of the city and the public. Not later than the tenth day of each month
71 the director of the department of revenue shall distribute all moneys deposited in the trust fund
72 during the preceding month to the city which levied the tax; such funds shall be deposited with
73 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall
74 be by an appropriation act to be enacted by the governing body of each such city. Expenditures
75 may be made from the fund for any functions authorized in the ordinance or order adopted by
76 the governing body submitting the tax to the voters.

77 6. The director of the department of revenue may make refunds from the amounts in the
78 trust fund and credited to any city for erroneous payments and overpayments made, and may
79 redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes
80 the tax, the city shall notify the director of the department of revenue of the action at least ninety
81 days prior to the effective date of the repeal and the director of the department of revenue may
82 order retention in the trust fund, for a period of one year, of two percent of the amount collected
83 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
84 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
85 after the effective date of abolition of the tax in such city, the director of the department of
86 revenue shall remit the balance in the account to the city and close the account of that city. The
87 director of the department of revenue shall notify each city of each instance of any amount
88 refunded or any check redeemed from receipts due the city.

89 **7. The governing body of any city that has adopted the sales tax authorized under**
90 **this section shall submit the question of the continuation of the tax to the voters ten years**

91 **from the date of its inception and every ten years thereafter on a date available for**
92 **elections for the city. The ballot language shall be in substantially the following form:**

93

94 **Shall (insert name of city) continue collecting a sales tax imposed at a rate of**
95 **..... (insert rate) percent for the purpose of providing revenues for the operation of the**
96 **district?**

97

98 **YES** **NO**

99

100 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
101 **opposed to continuation, the repeal shall become effective on December thirty-first of the**
102 **calendar year in which such continuation failed to be approved. If a majority of the votes**
103 **cast on the question by the qualified voters voting thereon are in favor of continuation,**
104 **then the sales tax authorized under this section shall remain effective until the question is**
105 **resubmitted under this section to the qualified voters and continuation fails to be approved**
106 **by a majority of the qualified voters voting on the question.**

107 **[7-] 8.** Except as modified in this section, all provisions of sections 32.085 and 32.087
108 shall apply to the tax imposed pursuant to this section.

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