

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill Nos. 876, 771, 676 & 551, Page 1, Section A,  
2 Line 2, by inserting after all of said of section and line the following:

3  
4 "94.838. 1. As used in this section, the following terms mean:

5 (1) "Food", all articles commonly used for food or drink, including alcoholic beverages, the  
6 provisions of chapter 311 notwithstanding;

7 (2) "Food establishment", any cafe, cafeteria, lunchroom, or restaurant which sells food at  
8 retail;

9 (3) "Municipality", any ~~[village or fourth class city with more than two hundred but less~~  
10 ~~than three hundred inhabitants and located in any county of the third classification with a township~~  
11 ~~form of government and with more than twelve thousand five hundred but less than twelve thousand~~  
12 ~~six hundred inhabitants]~~ city with more than one hundred sixty-five but fewer than one hundred  
13 eighty-five inhabitants and located in a county with more than eleven thousand but fewer than  
14 twelve thousand five hundred inhabitants and with a county seat with more than four thousand but  
15 fewer than five thousand inhabitants;

16 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or motel  
17 for thirty-one days or less during any calendar quarter.

18 2. The governing body of any municipality may impose, by order or ordinance:

19 (1) A tax, not to exceed six percent per room per night, on the charges for all sleeping rooms  
20 paid by the transient guests of hotels or motels situated in the municipality or a portion thereof; and

21 (2) A tax, not to exceed ~~[two]~~ six percent, on the gross receipts derived from the retail sales  
22 of food by every person operating a food establishment in the municipality.

23  
24 The taxes shall be imposed ~~[solely]~~ for ~~[the purpose of funding the construction, maintenance, and~~  
25 ~~operation of capital improvements]~~ general revenue purposes. The order or ordinance shall not  
26 become effective unless the governing body of the municipality submits to the voters of the  
27 municipality at a state general or primary election a proposal to authorize the governing body of the  
28 municipality to impose taxes under this section. The taxes authorized in this section shall be in  
29 addition to the charge for the sleeping room, the retail sales of food at a food establishment, and all  
30 other taxes imposed by law, and shall be stated separately from all other charges and taxes.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

3. The ballot of submission for the taxes authorized in this section shall be in substantially the following form:

Shall \_\_\_\_\_ (insert the name of the municipality) impose a tax on the charges for all retail sales of food at a food establishment situated in \_\_\_\_\_ (name of municipality) at a rate of \_\_\_\_\_ (insert rate of percent) percent, and for all sleeping rooms paid by the transient guests of hotels and motels situated in \_\_\_\_\_ (name of municipality) at a rate of \_\_\_\_\_ (insert rate of percent) percent, solely for the purpose of ~~[funding the construction, maintenance, and operation of capital improvements]~~ increasing general revenue funds?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the taxes shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the taxes. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the taxes shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. Any tax on the retail sales of food imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087, and any transient guest tax imposed under this section shall be administered, collected, enforced, and operated by the municipality imposing the tax. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. Once the initial bonds, if any, have been satisfied, then the governing body of any municipality that has adopted the taxes authorized in this section may submit the question of repeal of the taxes to the voters on any date available for elections for the municipality. The ballot of submission shall be in substantially the following form:

Shall \_\_\_\_\_ (insert the name of the municipality) repeal the taxes imposed at the rates of \_\_\_\_\_ (insert rate of percent) and \_\_\_\_\_ (insert rate of percent) percent for the purpose of ~~[funding the construction, maintenance, and operation of capital improvements]~~ increasing general revenue funds?

☐ YES

☐ NO

1 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
2 effective on December thirty-first of the calendar year in which such repeal was approved. If a  
3 majority of the votes cast on the question by the qualified voters voting thereon are opposed to the  
4 repeal, then the tax authorized in this section shall remain effective until the question is resubmitted  
5 under this section to the qualified voters, and the repeal is approved by a majority of the qualified  
6 voters voting on the question.

7         6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body of  
8 any municipality that has adopted the taxes authorized in this section receives a petition, signed by  
9 ten percent of the registered voters of the municipality voting in the last gubernatorial election,  
10 calling for an election to repeal the taxes imposed under this section, the governing body shall  
11 submit to the voters of the municipality a proposal to repeal the taxes. If a majority of the votes cast  
12 on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall  
13 become effective on December thirty-first of the calendar year in which such repeal was approved.  
14 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to  
15 the repeal, then the tax shall remain effective until the question is resubmitted under this section to  
16 the qualified voters and the repeal is approved by a majority of the qualified voters voting on the  
17 question."; and

18  
19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.