

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Committee Substitute for House Bill Nos. 876, 771, 676 & 551, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

"67.782. 1. Pursuant to this section:

(1) Any county ~~[of the third class having a population of]~~ with more than ~~[ten thousand and less than fifteen thousand and]~~ nine thousand nine hundred but fewer than eleven thousand inhabitants and with a county seat with more than one thousand but fewer than one thousand five hundred inhabitants; or

(2) Any county ~~[of the second class having a population of]~~ with more than ~~[fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit,]~~ eighty thousand but fewer than one hundred thousand inhabitants and with a county seat with more than thirteen thousand but fewer than seventeen thousand inhabitants

may ~~[jointly]~~ impose a sales tax ~~[throughout each of their respective counties]~~ for public recreational purposes including the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of ~~[each]~~ such county submits to the voters ~~[of their respective counties]~~ a proposal to authorize ~~[the counties to impose]~~ the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of _____ impose a sales tax of _____ percent ~~[in conjunction with the county of _____]~~ for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a ~~[separate]~~ majority of the votes cast on the proposal by the qualified voters voting thereon ~~[in each county]~~ are in favor of the proposal, ~~[then]~~ the tax shall be in effect ~~[in both counties]~~. If a

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majority of the votes cast by the qualified voters voting thereon ~~[in either county]~~ are opposed to the proposal, ~~[then]~~ the governing body of ~~[neither]~~ the county shall not have power to impose the sales tax ~~[authorized by this section]~~ unless or until the ~~[governing body of the county that has not approved the tax shall]~~ proposal is again ~~[have]~~ submitted ~~[another proposal to authorize the governing body to impose the tax,]~~ and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing,

1 acquisition, operation, construction, maintenance, or utilization of any recreation facility or project
 2 or program funded in whole or in part from revenues derived from the tax levied pursuant to the
 3 provisions of this section.

4 8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five
 5 years from the effective date thereof unless an extension of the tax is submitted to and approved by
 6 the voters in each county in the manner provided in this section. Each extension of the sales tax
 7 shall be for a period of ten years.

8 9. The governing body of each of the counties imposing a sales tax under the provisions of
 9 this section may cooperate with the governing body of any county or other political subdivision of
 10 this state in carrying out the provisions of this section, and may establish and conduct jointly a
 11 system of public recreation. The respective governing bodies administering programs jointly may
 12 provide by agreement among themselves for all matters connected with the programs and determine
 13 what items of cost and expense shall be paid by each.

14 10. The provisions of this section shall not in any way repeal, affect or limit the powers
 15 granted to any county to establish, maintain and conduct parks and other recreational grounds for
 16 public recreation.

17 11. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
 18 apply to the tax imposed under this section.

19 67.783. 1. There is hereby created within ~~[any county of the third class having a population~~
 20 ~~of more than ten thousand and less than fifteen thousand and any county of the second class having~~
 21 ~~a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third~~
 22 ~~class county, both counties making up the same judicial circuit,]~~ the counties described under
 23 subsection 1 of section 67.782 a joint county recreational lake authority, which shall be a body
 24 corporate and politic and a political subdivision of this state.

25 2. Subject to the limitations in section 67.788, the authority may exercise its powers over the
 26 reservoir area encompassing any recreational lake and within five thousand feet of the conservation
 27 storage level of any recreational lake constructed or to be constructed by the authority pursuant to
 28 sections 67.781 to 67.790.

29 3. It shall be the purpose of each authority to promote the general welfare, to promote
 30 recreation and to encourage private capital investment through the construction, operation, and
 31 maintenance of a recreational lake and related improvements to be located ~~[jointly in the second~~
 32 ~~class county and the third class county]~~ in the counties described under subsection 1 of section
 33 67.782.

34 4. The income of the authority and all property at any time owned by the authority shall be
 35 exempt from all taxation or any assessments whatsoever to the state or of any political subdivision,
 36 municipality or other governmental agency thereof.

37 5. No county in which an authority is organized shall be held liable in connection with the
 38 construction, operation or maintenance of any project or program undertaken pursuant to sections

67.781 to 67.790, including any actions taken by the authority in connection with any project or program undertaken pursuant to sections 67.781 to 67.790.

67.785. 1. The authority shall consist of nine members, appointed or elected as follows:

(1) Within thirty days after approval by the voters of the sales tax authorized in section 67.782, the county commission of ~~[the second class]~~ a county described under subdivision (2) of subsection 1 of section 67.782 shall initially appoint six members to the authority, with the terms of members staggered such that the terms of two members ~~[each expiring on December 31, 1992, December 31, 1994, and December 31, 1996]~~ expire on December thirty-first of each even-numbered year. The county commission of ~~[the third class]~~ a county described under subdivision (1) of subsection 1 of section 67.782 shall initially appoint three members to the authority, with the terms of members staggered such that the term of one member ~~[each expiring on December 31, 1992, December 31, 1994, and December 31, 1996]~~ expires on December thirty-first of each even-numbered year;

(2) As the term of each initial member expires, new members shall be elected from each county. Each elected member shall serve a six-year term and until his or her successor is duly elected and qualified.

2. A person, to be qualified to serve as a member, shall be a voter of the state for more than five years prior to his or her election or appointment, shall be a resident in the county which he or she will represent for more than five years and shall be over the age of twenty-five years. If any member moves outside the county from which he or she was appointed or elected, his or her seat shall be deemed vacant and a new member shall be appointed by the county commission of such county to complete his or her unexpired term.

3. A person desiring to become a candidate for the authority shall pay the sum of five dollars as a filing fee to the treasurer of the county in which he or she resides, and shall file with the election authority a statement under oath that he or she possesses all of the qualifications set out in sections 67.781 to 67.790 for a member of the authority. Thereafter, he or she shall have his or her name placed on the ballot as a candidate.

4. If six or more persons from ~~[the second class]~~ a county described under subdivision (2) of subsection 1 of section 67.782 file as candidates, a primary election shall be held in August, and the four candidates who receive the most votes shall be candidates at the general election. If two or more candidates receive an equal number of votes, and if that number of votes would otherwise qualify each tied candidate for a position on the general election ballot, all such tied candidates shall be included on the general election ballot. The two candidates from the ~~[second class]~~ county receiving the most votes in the general election shall be declared the winners.

5. If four or more persons from ~~[the third class]~~ a county described under subdivision (1) of subsection 1 of section 67.782 file as candidates, a primary election shall be held in August, and the two candidates who receive the most votes shall be candidates at the general election. If two or more candidates receive an equal number of votes, and if that number of votes would otherwise qualify each tied candidate for a position on the general election ballot, all such tied candidates shall be included on the general election ballot. The candidate from the ~~[second class]~~ county receiving the most votes in the general election shall be declared the winner.

1 94.838. 1. As used in this section, the following terms mean:"; and
2
3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.
5
6 THIS AMENDMENT AMENDS 1701H02.08H.