

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 238 & 250
91ST GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Conservation, Parks and Tourism, February 15, 2001, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0922S.06C

AN ACT

To repeal section 620.467, RSMo 2000, relating to tourism, and to enact in lieu thereof three new sections relating to the same subject, with an expiration date for a certain section.

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

Section A. Section 620.467, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 620.467, 620.468 and 620.469, to read as follows:

620.467. 1. The state treasurer shall annually transfer an amount prescribed in this section out of the general revenue fund pursuant to section 144.700, RSMo, in a fund hereby created in the state treasury, to be known as the "Division of Tourism Supplemental Revenue Fund". The state treasurer shall administer the fund, and the moneys in such fund, except the appropriate percentage of any refund made of taxes collected under the provisions of chapter 144, RSMo, shall be used solely by the division of tourism of the department of economic development to carry out the duties and functions of the division as prescribed by law. Moneys transferred to the division of tourism supplemental revenue fund shall be in addition to a budget base in each fiscal year. For fiscal year 1994, such budget base shall be six million two hundred thousand dollars, and in each succeeding fiscal year the budget base shall be the prior fiscal year's general revenue base plus any additional appropriations made to the division of tourism, including one hundred percent of the prior fiscal year's transfers made to the division of tourism supplemental revenue fund pursuant to this section. The general revenue base shall decrease by ten percent in each fiscal year following fiscal year 1994. Notwithstanding the provisions of section 33.080,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

RSMo, to the contrary, moneys in the division of tourism supplemental revenue fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

2. In fiscal years 1995 to 2010, a portion of general revenue determined pursuant to this subsection, shall be transferred to the credit of the division of tourism supplemental revenue fund pursuant to subsection 1 of this section. The director of revenue shall determine the amount transferred to the credit of the division of tourism supplemental revenue fund in each fiscal year by computing the previous year's total appropriation into the division of tourism supplemental revenue fund and adding to such appropriation amount the total amount derived from the retail sale of tourist-oriented goods and services collected pursuant to the following sales taxes: state sales taxes; sales taxes collected pursuant to sections 144.010 to 144.430, RSMo, that are designated as local tax revenue to be deposited in the school district trust fund pursuant to section 144.701, RSMo; sales taxes collected pursuant to section 43(a) of article IV of the Missouri Constitution; and sales taxes collected pursuant to section 47(a) of article IV of the Missouri Constitution. If the increase in such sales taxes derived from the retail sale of tourist-oriented goods and services in the fiscal year three years prior to the fiscal year in which each transfer shall be made is at least **[three] two** percent over such sales taxes derived from the retail sale of tourist-oriented goods and services generated in the fiscal year four years prior to the fiscal year in which each transfer shall be made, an amount equal to one-half of such sales taxes generated above a **[three] two** percent increase shall be calculated by the director of revenue and the amount calculated shall be transferred by the state treasurer to the credit of the division of tourism supplemental revenue fund.

3. Total transfers to the supplemental revenue fund in any fiscal year pursuant to subsections 1 and 2 of this section shall not exceed the amount transferred into the division of tourism supplemental revenue fund in the fiscal year immediately preceding the current fiscal year by more than **the maximum amount of increase that was calculated for the previous year's maximum amount of increase and increasing the amount by a percentage equal to any percentage of positive growth of sales of tourism-oriented goods and services in the fiscal year three years prior to the year in which each transfer is made over the sales of tourism-oriented goods and services generated in the fiscal year four years prior to the fiscal year in which each transfer shall be made. The maximum amount of increase for fiscal year 2002 shall be** three million dollars.

4. As used in this section, "sales of tourism-oriented goods and services", are those sales by businesses registered with the department of revenue under the following SIC Codes **or their successors:**

- (1) SIC Code 5811;
- (2) SIC Code 5812;
- (3) SIC Code 5813;
- (4) SIC Code 7010;

- (5) SIC Code 7020;
- (6) SIC Code 7030;
- (7) SIC Code 7033;
- (8) SIC Code 7041;
- (9) **SIC Code 7510;**
- (10)** SIC Code 7920;
- [(10)] **(11)** SIC Code 7940;
- [(11)] **(12)** SIC Code 7990;
- [(12)] **(13)** SIC Code 7991;
- [(13)] **(14)** SIC Code 7992;
- [(14)] **(15)** SIC Code 7996;
- [(15)] **(16)** SIC Code 7998; **and**
- [(16)] **(17)** SIC Code 7999]; **and**
- (17) SIC Code 8420].

5. Prior to each appropriation from the division of tourism supplemental revenue fund, the division of tourism shall present to the committee on tourism, recreational and cultural affairs of the house of representatives and to the transportation and tourism committee of the senate, or their successors, a promotional marketing strategy including, but not limited to, targeted markets, duration of market plans, ensuing market strategies, and the actual and estimated investment return, if any, resulting therefrom.

6. [This section shall become effective July 1, 1994.] This section shall expire June 30, 2010.

620.468. 1. Sections 620.468 and 620.469 may be cited as the "Missouri Cultural Tourism Development Act".

2. As used in sections 620.468 and 620.469, the following terms shall mean:

(1) "Award", a grant or loan provided in conjunction with the Missouri cultural tourism development grant and loan program;

(2) "Department", the department of economic development;

(3) "Director", the director of the department of economic development;

(4) "Fund", the cultural tourism development fund;

(5) "Program", the Missouri cultural tourism development program.

3. There is hereby established a "Cultural Tourism Development Program" within the department of economic development. The goals of the program are:

(1) To increase, develop and enhance visitor experiences in Missouri which are involved with artistic, heritage or historical offerings and are important to the state's economy; and

(2) To increase the amount of tourism expenditures in Missouri and strengthen cultural tourism's role in economic development.

4. The program will provide technical assistance to municipalities, counties and regions of the state, not-for-profit groups and tourism-related businesses or business organizations. The program will include grants and loans which may serve municipalities, counties and regions of the state, not-for-profit groups and tourism-related businesses or business organizations. These activities will be pursued to achieve the goals as provided in subsection 3 of this section.

5. The program will be administered by the department with input from the division of tourism, Missouri Humanities Council, Missouri Arts Council, department of transportation, department of natural resources, the secretary of state's office and other entities or persons as determined by the director.

6. The department in consultation with the division of tourism, Missouri Humanities Council, Missouri Arts Council, department of transportation, department of natural resources, the secretary of state's office and other entities or persons as determined by the director will develop criteria for technical assistance from the program and criteria for awards from the grant and loan program.

7. Program rules shall be developed and promulgated by the director in accordance with sections 620.468 and 620.469.

8. The department will award grants and loans. No single award for a project shall exceed ten percent of the total amount of monetary awards given in a single year.

9. The department shall determine the terms and conditions of any loan from the fund, including but not limited to the interest rate and repayment terms of each loan. All loans shall be evidenced by appropriate security. The director is authorized to require in connection with any loans from the fund any documents, instruments, certificates, legal opinions or other information he or she deems necessary or convenient for his or her purposes.

10. The department is authorized, subject to appropriation, to employ persons as may be needed to administer the program.

11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 620.469 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

620.469. 1. There is hereby created in the state treasury the "Cultural Tourism Development Fund" which shall consist of revenues appropriated by the general

assembly, and any gifts, grants, bequests or contributions from private, federal, county or municipal entities. The fund shall be administered by the department of economic development. Upon appropriation, money in the fund shall be used solely for the development of cultural tourism in Missouri pursuant to section 620.468, RSMo.

2. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not be transferred to the general revenue fund at the end of the biennium. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and money earned on such investments shall be credited to the fund.

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