

FIRST REGULAR SESSION

SENATE BILL NO. 358

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TAYLOR.

Read 1st time February 15, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1570S.011

AN ACT

To repeal sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, and to enact in lieu thereof four new sections relating to tourism community enhancement districts.

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

Section A. Sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 67.1956, 67.1959, 67.1968, and 67.1979, to read as follows:

67.1956. 1. In each tourism community enhancement district established pursuant to section 67.1953, there shall be a board of directors, to [initially] consist of [not less than five] **seven** members. [One member] **Three members** shall be selected by the governing body of the city, town or village, [with the largest population, at the inception of the district, within the district. One member] **located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. Two members** shall be selected by the governing body of the city, town or village, [with the second largest population, at the inception of the district, within the district] **located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district**, if such a city, town or village exists in the district. If no such city, town or village exists in the district then [one member] **two additional members** shall be selected by [the board of directors of the district from the unincorporated area of such district. Two members] **the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member** shall be selected by the [largest convention and visitor's bureau or similar organization, at the inception of the district, within] **governing body of the county located within the**

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

district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member shall be selected by the [destination marketing organization of the second largest county, city, town or village, at the inception of the district, within] **governing body of the county located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district.**

2. Of the members first selected, the [two] **three** members from the city, town or village **located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district** shall be selected for a term of three years, the two members from the [convention and visitor's bureau] **the city, town, or village located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district** shall be selected for a term of two years, and the [member from the destination marketing organization of the second largest city] **the remaining members** shall be selected for a term of one year. Thereafter, each member selected shall serve a three-year term. Every member shall be **either** a resident of the district, **own real property within the district, be employed by a business within the district, or operate a business within the district.** All members shall serve without compensation. [Any vacancy within the board shall be filled in the same manner as the person who vacated the position was selected, with the new person serving the remainder of the term of the person who vacated the position.] The board shall elect its own treasurer, secretary and such other officers as it deems necessary and expedient, and it may make such rules, regulations, and bylaws to carry out its duties pursuant to sections 67.1950 to 67.1977.

[2. Any time a district is expanded by either an unincorporated or incorporated area, the board shall be expanded by two members. One member shall be appointed by the governing body of the incorporated area added to the district or by the board of directors of the district for the unincorporated area added to the district and one member shall be appointed by the governing body of the city, town or village with the largest population at the inception of the district for the first expansion and every odd-numbered expansion thereafter, or by the convention and visitor's bureau or similar entity of the largest city, town or village, at the inception of the district, for the second expansion and every even-numbered expansion thereafter.]

3. **Any vacancy within the board shall be filled in the same manner as the person who vacated the position was selected within sixty days of the vacancy occurring, with the new person serving the remainder of the term of the person who vacated the position. In the event that a person is not so selected within sixty days of the vacancy occurring, the remaining members of the board shall select a person to serve the remainder of the term of the person who vacated the position.**

4. If a tourism community enhancement district is already in existence on August 28, 2005, the one additional board member shall be appointed by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district for a one year term and the other additional board member shall be appointed by the governing body of the county located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district for a two year term, thereafter all board members shall serve three year terms. The existing board members shall serve out their terms with the provisions of this section controlling the appointment of successor board members, with first and second board existing positions to expire to be appointed by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district, the third and fourth existing board positions to expire to be appointed by the governing body of the city, town, or village located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district and the fifth existing board position to expire to be appointed by the governing body of the county located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district.

[3.] 5. The board, on behalf of the district, may:

- (1) Cooperate with public agencies and with any industry or business located within the district in the implementation of any project;
- (2) Enter into any agreement with any public agency, person, firm, or corporation to implement any of the provisions of sections 67.1950 to 67.1977;
- (3) Contract and be contracted with, and sue and be sued; and
- (4) Accept gifts, grants, loans, or contributions from the United States of America, the state, any political subdivision, foundation, other public or private agency, individual, partnership or corporation on behalf of the tourism enhancement district community.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except **sales of food as defined in section 144.014**, sales of new or used motor vehicles, trailers, boats, or other outboard motors and sales of funeral services, made within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special

election called for that purpose. Such election authority shall give legal notice as provided in chapter 115, RSMo.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of
(insert amount) for the purpose of promoting tourism [and community enhancements in the
(name of county, city, town or village that includes a majority of the area within the proposed
district) Tourism Community Enhancement District] **in the district?**

Yes No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.1968. Expenditures may be made from the tourism community enhancement district sales tax trust fund or moneys collected pursuant to section 67.1965 for any purposes authorized pursuant to subsection 1 of section 67.1959, provided as follows:

(1) [Ten percent of the revenues shall be used for education purposes. The board shall transmit those revenues to the school district or districts within the district, on a basis of revenue collected within each school district. These revenues shall not be used in any manner with respect to the calculation of the state school aid pursuant to chapter 163, RSMo;

(2) Ten percent of the revenues collected from the tax authorized by this section shall be used by the board for senior citizen or youth or community enhancement purposes within the district. The board shall distribute these revenues to the cities, towns and villages based upon the amount of sales tax collected within each city, town or village and the portion of the revenues not attributable to any city, town or village shall be distributed at the discretion of the board;

(3) Seventy-five percent of the revenues shall be used by the board for marketing, advertising and promotion of tourism. The district shall enter into an agreement with a not-for-profit organization providing local support services, including but not limited to visitor's centers, to conduct and administer public relations, sales and marketing of tourism on behalf of the district to enhance the economic health of the district. Such marketing, advertising and promotional activities shall be developed into a comprehensive marketing

plan, for the benefit of the district;

(4) Two percent of the revenues shall be distributed among each destination marketing organization located within each school district or districts within the district based upon the amount of sales tax collected within each school district;

(5) Two percent of the revenues shall be transmitted to the not-for-profit organization conducting and administering the marketing plan within the district for purposes of administering the marketing plan] **One percent of the revenues collected from the tax authorized by this section may be held in reserve and used by the board for the reimbursement of or for lawful and reasonable administrative expenses involved with the board's fulfillment of their statutory duties including, but not limited to, insurance, election costs, legal, accounting, and audit fees, administrative services and travel. If such reasonable expenses, plus a reasonable reserve, exceeds the revenues provided in this subsection, then the additional revenues necessary for such reasonable expenses shall come from the revenues provided in subsection 2 of this section. If such reasonable expenses, plus a reasonable reserve, do not exceed the revenues provided in this subsection, the board may use the excess funds in the same manner as the revenues provided in subsection 2 of this section.**

(2) **Ninety-eight percent of the revenues collected from the tax authorized by this section shall be used by the board for marketing, advertising, and promotion of tourism, the administration thereof, and a reasonable reserve. The district shall enter into an agreement with an organization or organizations to conduct and administer functions such as public relations, sales and marketing of tourism on behalf of the district to enhance the economic health of the district. Such marketing, advertising, and promotional activities shall be developed into a comprehensive marketing plan, for the benefit of the district. Up to two percent of the revenues in this subsection, at the sole discretion of the board, may be distributed among each destination marketing organization, located within each school district, for marketing based upon a marketing plan which shall be submitted each year by the destination marketing organizations located within the district, if such marketing plan is approved by the board;**

(3) **One percent of the revenues collected from the tax authorized by this section may be retained by the Missouri department of revenue or any other entity responsible for the collection of the sales tax.**

67.1979. Members of the board of directors may be removed by [two-thirds] a majority vote of the appointing governing body.

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