

FIRST REGULAR SESSION

SENATE BILL NO. 61

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0297S.011

AN ACT

To repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to sales taxes on certain items sold by canteens or commissaries.

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

Section A. Section 217.195, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.195, to read as follows:

217.195. 1. With the approval of his division director, the chief administrative officer of any correctional center operated by the division may establish and operate a canteen or commissary for the use and benefit of the offenders.

2. Each correctional center shall keep revenues received from the canteen or commissary established and operated by the correctional center in a separate account. The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this account. The remaining funds from sales of each commissary or canteen shall be deposited monthly in a special fund to be known as the "Inmate Canteen Fund" which is hereby created and shall be expended by the appropriate division, for the benefit of the offenders in the improvement of recreational, religious, or educational services. The provisions of section 33.080, RSMo, to the contrary notwithstanding, the money in the inmate canteen fund shall be retained for the purposes specified in this section and shall not revert or be transferred to general revenue. The department shall keep accurate records of the source of money deposited in the inmate canteen fund and shall allocate appropriations from the fund to the appropriate correctional center.

3. The sale of items at canteens established pursuant to this section shall be subject to the tax imposed pursuant to section 144.020, RSMo. The sale of food, as such term is defined pursuant to section 144.014, RSMo, at canteens established pursuant to this section shall be subject to the tax established pursuant to section 144.014, RSMo.

4. Canteen sales of personal hygiene items shall not be subject to sales tax. Canteen sales of items used in preparation of legal documents shall not be subject to sales tax.

5. The department of corrections shall deposit the revenue from this sales tax into the inmate canteen fund. For fiscal year 2006, the department of corrections shall be allocated a portion of the sales tax revenue in an amount necessary to upgrade the canteen's operations to provide for sales tax collection and remittance. In each fiscal year, funds from the sales tax deposits shall be allocated to the department of corrections to pay the salary and benefit costs of one full-time employee. Such full-time employee shall be responsible for the collection and remittance of sales tax pursuant to this section. Notwithstanding any provision of chapter 144, RSMo, to the contrary, all revenue collected pursuant to this section shall be remitted to the department of revenue on a quarterly basis.

6. The effective date for sales tax collection and remittance from canteens shall be January 1, 2006.

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