

FIRST REGULAR SESSION

SENATE BILL NO. 447

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 24, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1674S.01I

AN ACT

To repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety improvement.

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

Section A. Section 94.900, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 94.900, to read as follows:

94.900. 1. The governing body of any city of the third classification with
2 more than ten thousand eight hundred but less than ten thousand nine hundred
3 inhabitants located at least partly within a county of the first classification with
4 more than one hundred eighty-four thousand but less than one hundred
5 eighty-eight thousand inhabitants, or any city of the fourth classification with
6 more than eight thousand nine hundred but fewer than nine thousand
7 inhabitants, **or any city of the fourth classification with more than two**
8 **thousand six hundred but fewer than two thousand seven hundred**
9 **inhabitants and located in any county of the first classification with**
10 **more than eighty-two thousand but fewer than eighty-two thousand one**
11 **hundred inhabitants** is hereby authorized to impose, by ordinance or order, a
12 sales tax in the amount of up to one-half of one percent on all retail sales made
13 in such city which are subject to taxation under the provisions of sections 144.010
14 to 144.525, RSMo, for the purpose of improving the public safety for such city,
15 including but not limited to expenditures on equipment, city employee salaries
16 and benefits, and facilities for police, fire and emergency medical providers. The
17 tax authorized by this section shall be in addition to any and all other sales taxes
18 allowed by law, except that no ordinance or order imposing a sales tax pursuant
19 to the provisions of this section shall be effective unless the governing body of the
20 city submits to the voters of the city, at a county or state general, primary or
21 special election, a proposal to authorize the governing body of the city to impose

22 a tax.

23 2. If the proposal submitted involves only authorization to impose the tax
24 authorized by this section, the ballot of submission shall contain, but need not be
25 limited to, the following language:

26 Shall the city of (city's name) impose a
27 citywide sales tax of (insert amount) for the purpose of improving the
28 public safety of the city?

29 YES NO

30 If you are in favor of the question, place an "X" in the box opposite "YES". If you
31 are opposed to the question, place an "X" in the box opposite "NO".

32 If a majority of the votes cast on the proposal by the qualified voters voting
33 thereon are in favor of the proposal submitted pursuant to this subsection, then
34 the ordinance or order and any amendments thereto shall be in effect on the first
35 day of the second calendar quarter after the director of revenue receives
36 notification of adoption of the local sales tax. If a proposal receives less than the
37 required majority, then the governing body of the city shall have no power to
38 impose the sales tax herein authorized unless and until the governing body of the
39 city shall again have submitted another proposal to authorize the governing body
40 of the city to impose the sales tax authorized by this section and such proposal
41 is approved by the required majority of the qualified voters voting
42 thereon. However, in no event shall a proposal pursuant to this section be
43 submitted to the voters sooner than twelve months from the date of the last
44 proposal pursuant to this section.

45 3. All revenue received by a city from the tax authorized under the
46 provisions of this section shall be deposited in a special trust fund and shall be
47 used solely for improving the public safety for such city for so long as the tax
48 shall remain in effect.

49 4. Once the tax authorized by this section is abolished or is terminated by
50 any means, all funds remaining in the special trust fund shall be used solely for
51 improving the public safety for the city. Any funds in such special trust fund
52 which are not needed for current expenditures may be invested by the governing
53 body in accordance with applicable laws relating to the investment of other city
54 funds.

55 5. All sales taxes collected by the director of the department of revenue
56 under this section on behalf of any city, less one percent for cost of collection
57 which shall be deposited in the state's general revenue fund after payment of

58 premiums for surety bonds as provided in section 32.087, RSMo, shall be
59 deposited in a special trust fund, which is hereby created, to be known as the
60 "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall
61 not be deemed to be state funds and shall not be commingled with any funds of
62 the state. The provisions of section 33.080, RSMo, to the contrary
63 notwithstanding, money in this fund shall not be transferred and placed to the
64 credit of the general revenue fund. The director of the department of revenue
65 shall keep accurate records of the amount of money in the trust and which was
66 collected in each city imposing a sales tax pursuant to this section, and the
67 records shall be open to the inspection of officers of the city and the public. Not
68 later than the tenth day of each month the director of the department of revenue
69 shall distribute all moneys deposited in the trust fund during the preceding
70 month to the city which levied the tax; such funds shall be deposited with the city
71 treasurer of each such city, and all expenditures of funds arising from the trust
72 fund shall be by an appropriation act to be enacted by the governing body of each
73 such city. Expenditures may be made from the fund for any functions authorized
74 in the ordinance or order adopted by the governing body submitting the tax to the
75 voters.

76 6. The director of the department of revenue may make refunds from the
77 amounts in the trust fund and credited to any city for erroneous payments and
78 overpayments made, and may redeem dishonored checks and drafts deposited to
79 the credit of such cities. If any city abolishes the tax, the city shall notify the
80 director of the department of revenue of the action at least ninety days prior to
81 the effective date of the repeal and the director of the department of revenue may
82 order retention in the trust fund, for a period of one year, of two percent of the
83 amount collected after receipt of such notice to cover possible refunds or
84 overpayment of the tax and to redeem dishonored checks and drafts deposited to
85 the credit of such accounts. After one year has elapsed after the effective date of
86 abolition of the tax in such city, the director of the department of revenue shall
87 remit the balance in the account to the city and close the account of that
88 city. The director of the department of revenue shall notify each city of each
89 instance of any amount refunded or any check redeemed from receipts due the
90 city.

91 7. Except as modified in this section, all provisions of sections 32.085 and
92 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

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