

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 863
95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, February 25, 2010, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4605S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 94, RSMo, by adding thereto three new sections relating to the imposition of a transient guest tax by certain cities.

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

Section A. Chapter 94, RSMo, is amended by adding thereto three new sections, to be known as sections 94.832, 94.840, and 94.845 to read as follows:

94.832. 1. The governing body of any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of funding tourism and infrastructure improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar

21 quarter in which the election was held. If a majority of the votes cast
22 on the question by the qualified voters voting thereon are opposed to
23 the question, then the tax shall not become effective unless and until
24 the question is resubmitted under this section to the qualified voters
25 of the city and such question is approved by a majority of the qualified
26 voters voting on the question.

27 3. All revenue generated by the tax shall be collected by the city
28 collector of revenue, shall be deposited in a special trust fund, and
29 shall be used solely for the designated purposes. If the tax is repealed,
30 all funds remaining in the special trust fund shall continue to be used
31 solely for the designated purposes. Any funds in the special trust fund
32 that are not needed for current expenditures may be invested by the
33 governing body in accordance with applicable laws relating to the
34 investment of other city funds. Any interest and moneys earned on
35 such investments shall be credited to the fund.

36 4. The governing body of any city that has adopted the tax
37 authorized in this section may submit the question of repeal of the tax
38 to the voters on any date available for elections for the city. If a
39 majority of the votes cast on the proposal are in favor of the repeal,
40 that repeal shall become effective on December thirty-first of the
41 calendar year in which such repeal was approved. If a majority of the
42 votes cast on the question by the qualified voters voting thereon are
43 opposed to the repeal, then the tax authorized in this section shall
44 remain effective until the question is resubmitted under this section to
45 the qualified voters of the city, and the repeal is approved by a
46 majority of the qualified voters voting on the question.

47 5. Whenever the governing body of any city that has adopted the
48 tax authorized in this section receives a petition, signed by a number
49 of registered voters of the city equal to at least ten percent of the
50 number of registered voters of the city voting in the last gubernatorial
51 election, calling for an election to repeal the tax imposed under this
52 section, the governing body shall submit to the voters of the city a
53 proposal to repeal the tax. If a majority of the votes cast on the
54 question by the qualified voters voting thereon are in favor of the
55 repeal, that repeal shall become effective on December thirty-first of
56 the calendar year in which such repeal was approved. If a majority of
57 the votes cast on the question by the qualified voters voting thereon

58 are opposed to the repeal, then the tax shall remain effective until the
59 question is resubmitted under this section to the qualified voters of the
60 city and the repeal is approved by a majority of the qualified voters
61 voting on the question.

62 6. As used in this section, "transient guests" means a person or
63 persons who occupy a room or rooms in a hotel or motel for thirty-one
64 days or less during any calendar quarter.

94.840. 1. The governing body of any city of the fourth
2 classification with more than thirty thousand three hundred but fewer
3 than thirty thousand seven hundred inhabitants may impose a tax on
4 the charges for all sleeping rooms paid by the transient guests of hotels
5 or motels situated in the city or a portion thereof, which shall not be
6 more than five percent per occupied room per night, except that such
7 tax shall not become effective unless the governing body of the city
8 submits to the voters of the city at a state general, primary, or special
9 election a proposal to authorize the governing body of the city to
10 impose a tax under this section. The tax authorized in this section
11 shall be in addition to the charge for the sleeping room and all other
12 taxes imposed by law, and the proceeds of such tax shall be used by the
13 city for the promotion, operation, and development of tourism and
14 convention facilities. Such tax shall be stated separately from all other
15 charges and taxes.

16 2. The ballot of submission for the tax authorized in this section
17 shall be in substantially the following form:

18 Shall (insert the name of the
19 city) impose a tax on the charges for all sleeping rooms paid by the
20 transient guests of hotels and motels situated in
21 (name of city) at a rate of (insert rate of percent) percent for the
22 purpose of the promotion, operation, and development of tourism and
23 convention facilities?

24 YES NO

25 If a majority of the votes cast on the question by the qualified voters
26 voting thereon are in favor of the question, then the tax shall become
27 effective on the first day of the second calendar quarter following the
28 calendar quarter in which the election was held. If a majority of the
29 votes cast on the question by the qualified voters voting thereon are

30 **opposed to the question, then the tax authorized by this section shall**
31 **not become effective unless and until the question is resubmitted under**
32 **this section to the qualified voters of the city and such question is**
33 **approved by a majority of the qualified voters of the city voting on the**
34 **question.**

35 **3. As used in this section, "transient guests" means a person or**
36 **persons who occupy a room or rooms in a hotel or motel for thirty-one**
37 **days or less during any calendar quarter.**

94.845. 1. The governing body of any city of the fourth
2 **classification with more than eight hundred but fewer than nine**
3 **hundred inhabitants and located in any county of the third**
4 **classification without a township form of government and with more**
5 **than five thousand nine hundred but fewer than six thousand**
6 **inhabitants may impose a tax on the charges for all sleeping rooms paid**
7 **by the transient guests of hotels or motels situated in the city or a**
8 **portion thereof, which shall not be more than five percent per occupied**
9 **room per night, except that such tax shall not become effective unless**
10 **the governing body of the city submits to the voters of the city at a**
11 **state general or primary election a proposal to authorize the governing**
12 **body of the city to impose a tax under this section. The tax authorized**
13 **in this section shall be in addition to the charge for the sleeping room**
14 **and all other taxes imposed by law, and the proceeds of such tax shall**
15 **be used by the city for general revenue purposes. Such tax shall be**
16 **stated separately from all other charges and taxes.**

17 **2. The ballot of submission for the tax authorized in this section**
18 **shall be in substantially the following form:**

19 **Shall (insert the name of the city)**
20 **impose a tax on the charges for all sleeping rooms paid by the transient**
21 **guests of hotels and motels situated in (name of**
22 **city) at a rate of (insert rate of percent) percent for the benefit**
23 **of the city?**

24 **YES** **NO**

25 **If a majority of the votes cast on the question by the qualified voters**
26 **voting thereon are in favor of the question, then the tax shall become**
27 **effective on the first day of the second calendar quarter following the**
28 **calendar quarter in which the election was held. If a majority of the**

29 votes cast on the question by the qualified voters voting thereon are
30 opposed to the question, then the tax authorized by this section shall
31 not become effective unless and until the question is resubmitted under
32 this section to the qualified voters of the city and such question is
33 approved by a majority of the qualified voters of the city voting on the
34 question.

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