## FIRST REGULAR SESSION SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 161

## 96TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

0781S.03C

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal sections 67.1000, 67.1002, 67.1003, 67.1005, 67.1006, 67.1008, and 94.900, RSMo, and to enact in lieu thereof six new sections relating to certain taxes imposed by local governments.

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

Section A. Sections 67.1000, 67.1002, 67.1003, 67.1005, 67.1006, 67.1008,

- 2 and 94.900, RSMo, are repealed and six new sections enacted in lieu thereof, to
- 3 be known as sections 67.1000, 67.1002, 67.1003, 67.1006, 67.1008, and 94.900, to
- 4 read as follows:
  - 67.1000. 1. The governing body of the following cities and counties
- 2 may impose a tax as provided in this section:
- 3 (1) Any county [or of];
- 4 (2) Any city which is the county seat of any county or which now or
- 5 hereafter has a population of more than three thousand five hundred inhabitants
- 6 and which has heretofore been authorized by the general assembly[, or of];
- 7 (3) Any other city which has a population of more than eighteen thousand
- 8 and less than forty-five thousand inhabitants located in a county of the first
- 9 classification with a population over two hundred thousand adjacent to a county
- 10 of the first classification with a population over nine hundred thousand[,].
- 11 2. The governing body of any city or county listed in subsection
- 12 1 of this section may impose a tax on the charges for all sleeping rooms paid
- 13 by the transient guests of hotels or motels situated in the city or county, which
- 14 shall be not more than five percent per occupied room per night, except that such

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tax shall not become effective unless the governing body of the city or county 16 submits to the voters of the city or county at an election permitted under section 115.123 a proposal to authorize the governing body of the city or county to impose 17 18 a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the 19 20 sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a 21convention and visitors bureau which shall be a general not-for-profit 2223organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, 2425 visitor and tourist center. Such tax shall be stated separately from all other 26 charges and taxes.

- [2.] 3. As used in this section and section 67.1002, the term "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter, except that in any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, "transient guests"[, as used in this section and section 67.1002,] means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.
- 36 [3.] 4. Provisions of this section to the contrary notwithstanding, the 37 governing body of any home rule city with more than thirty-nine thousand six hundred but fewer than thirty-nine thousand seven hundred inhabitants and 38 39 partially located in any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four 40 hundred inhabitants may impose a tax on the charges for all sleeping rooms paid 41 by the transient guests of hotels or motels situated in the city, which shall be not 42more than seven percent per occupied room per night, except that such tax shall 43 not become effective unless the governing body of such city submits to the voters 44 of the city at an election permitted under section 115.123 a proposal to authorize 45the governing body of the city to impose a tax under the provisions of this 46 47 [section] subsection and section 67.1002. The tax authorized by this [section] 48 subsection and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and 49 the proceeds of such tax shall be used by the city solely for funding a convention 50

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and visitors bureau which shall be a general not-for-profit organization with whom the city has contracted, and which is established for the purpose of promoting the city as a convention, visitor, and tourist center. Such tax shall be stated separately from all other charges and taxes.

- 5. Notwithstanding any other provision of this section to the contrary, the governing body of any city or county with more than three hundred fifty hotel and motel rooms within the boundaries of such city or county may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123 a proposal to authorize the governing body of the city or county to impose a tax under this subsection and section 67.1002. The tax authorized by this subsection and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism and for funding a convention and visitors bureau. Such convention and visitors bureau shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor, and tourist center. Such tax shall be stated separately from all other charges and taxes.
- 6. Notwithstanding any other provision of law to the contrary, the taxes authorized in this section and section 67.1002 shall not be imposed by the following cities or counties:
  - (1) Any city or any county already imposing a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in such city or county or a portion thereof under this section and section 67.1002 or any other law of this state; or
  - (2) Any city not already imposing a tax under this section and section 67.1002 and that is located in whole or partially within a county that already imposes a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in such county or a portion thereof under this section and section 67.1002 or any other

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law of this state, except that cities of the third classification with more than two thousand five hundred hotel and motel rooms and located in a county of the first classification where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed may impose the tax authorized in subsection 5 of this section of not more than one-half percent per occupied room per night.

7. This section shall not be construed as repealing any taxes levied by any city or county on transient guests as permitted under this chapter or chapter 94 as of August 28, 2011.

67.1002. 1. The question shall be submitted in substantially the following form:

Shall the ................................. (City or County) levy a tax of ................................ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city or county, where the proceeds of which shall be expended for promotion of tourism or funding a convention and visitors bureau?

 $\square$  NO

 $\square$  YES

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 calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city or county shall have no power to impose the tax authorized by this section unless and until the governing body of the city or county again submits the question to the qualified voters of the city or county and such question is approved by a majority of the qualified voters voting on the question.

- 2. On and after the effective date of any tax authorized under the provisions of this section and section 67.1000, the city or county which levied the tax may adopt one of the two following provisions for the collection and administration of the tax:
- (1) The city or county which levied the tax may adopt rules and regulations for the internal collection of such tax by the city or county officers usually responsible for collection and administration of city or county taxes; or
- 25 (2) The city or county may enter into an agreement with the director of 26 revenue of the state of Missouri for the purpose of collecting the tax authorized

in this section and section 67.1000. In the event any city or county enters into an 27 28 agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section and section 67.1000, the director of revenue 29 30 shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and the director of revenue shall collect the additional 31 32tax authorized under the provisions of this section and section 67.1000. The tax authorized under the provisions of this section and section 67.1000 shall be 33 34collected and reported upon such forms and under such administrative rules and 35 regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for 36 cost of collection. 37

- 38 3. If a tax is imposed by a city or county under this section and section 39 67.1000, the city or county may collect a penalty of one percent and interest not 40 to exceed two percent per month on unpaid taxes which shall be considered 41 delinquent thirty days after the last day of each quarter.
- 67.1003. 1. The governing body of the following cities and counties may 2 impose a tax as provided in this section:
- 3 (1) Any city or county[, other than a city or county already imposing a tax 4 on the charges for all sleeping rooms paid by the transient guests of hotels and 5 motels situated in such city or county or a portion thereof pursuant to any other 6 law of this state,] having more than three hundred fifty hotel and motel rooms 7 inside such city or county;
- 8 (2) A county of the third classification with a population of more than 9 seven thousand but less than seven thousand four hundred inhabitants;
- 10 (3) A third class city with a population of greater than ten thousand but
  11 less than eleven thousand located in a county of the third classification with a
  12 township form of government with a population of more than thirty thousand;
- 13 (4) A county of the third classification with a township form of 14 government with a population of more than twenty thousand but less than 15 twenty-one thousand;
- 16 (5) Any third class city with a population of more than eleven thousand 17 but less than thirteen thousand which is located in a county of the third 18 classification with a population of more than twenty-three thousand but less than 19 twenty-six thousand;
- 20 (6) Any city of the third classification with more than ten thousand five 21 hundred but fewer than ten thousand six hundred inhabitants;

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- 22 (7) Any city of the third classification with more than twenty-six thousand 23 three hundred but fewer than twenty-six thousand seven hundred inhabitants;
- (8) Any city of the third classification with more than ten thousand eight 24 25hundred but fewer than ten thousand nine hundred inhabitants and located in 26 more than one county.
- 2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the 2829transient guests of hotels or motels situated in the city or county or a portion 30 thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the 32city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county 33 to impose a tax pursuant to this section. The tax authorized by this section shall 34be in addition to the charge for the sleeping room and shall be in addition to any 35 and all taxes imposed by law and the proceeds of such tax shall be used by the 36 city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.
  - 3. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed [in any city or county already imposing such tax pursuant to any other law of this state, except that] by the following cities or counties:
  - (1) Any city or county already imposing a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in any such city or county or a portion thereof under this section or any other law of this state; or
  - (2) Any city not already imposing a tax under this section and that is located in whole or partially within a county that already imposes a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in such county or a portion thereof under this section or any other law of this state.
- 524. Cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which 53and where another tax on the charges for all sleeping rooms paid by the transient 54guests of hotels and motels situated in such county is imposed, may impose the 55tax authorized by this section of not more than one-half of one percent per 5657occupied room per night.

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58 [4.] 5. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

 $\Box$  YES  $\Box$  NO

65 If a majority of the votes cast on the question by the qualified voters voting 66 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 quarter in which 67 the election was held. If a majority of the votes cast on the question by the 68 qualified voters voting thereon are opposed to the question, then the tax shall not 69 70 become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the 71qualified voters voting on the question. 72

- [5.] **6.** As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.
  - 7. This section shall not be construed as repealing any taxes levied by any city or county on transient guests as permitted under this chapter or chapter 94 as of August 28, 2011.
- 67.1006. 1. In any county of the second class which has a two-year community college and is located south of the Missouri River and adjacent to a county of the second class which contains a state educational institution described as a state teachers college in paragraph (c) of subdivision (5) of section 176.010, a proposal to authorize the governing body of the county to impose a tax may be submitted to the voters of the county at a state general, primary or special election as follows:
  - (1) By a majority vote of the county governing body; or
- 9 (2) Upon petition of eight percent of the voters who cast votes for the 10 member of the county governing body who received the highest number of votes 11 at the last election in which members of the governing body were elected, the 12 county clerk shall submit the proposal to the voters of the county. The tax shall 13 be levied on the sales or charges for all sleeping rooms paid by the transient 14 guests of hotels or motels situated in the county at a rate not to exceed two 15 dollars per room per night. The tax authorized by sections 67.1006 to 67.1012

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shall be in addition to any and all taxes imposed by law and shall be stated separately from all other charges and taxes.

2. The question shall be submitted in substantially the following form:

22 shall be expended for tourism purposes?

 $\square$  YES  $\square$  NO

24If a majority of the votes cast on the question by the qualified voters voting 25 thereon are in favor of the question, then the tax shall become effective on the 26 first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the 2728qualified voters voting thereon are opposed to the question, then the tax authorized by sections 67.1006 to 67.1012 shall not become effective unless and 29until the question is resubmitted under the provisions of sections 67.1006 to 30 67.1012 to the qualified voters of the county and such question is approved by a 31 majority of the qualified voters of the county voting on the question. 32

3. The governing body of any county imposing a tax under this section may, by order or ordinance, change the rate of such tax from two dollars per room per night to not more than five percent per occupied room per night. No such order or ordinance shall become effective unless the governing body of the county submits to the voters of the county at a state general, primary, or special election a proposal to authorize the governing body of the county to change the rate of tax imposed 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 change in the tax rate shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the change in the tax rate shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters voting on the question.

67.1008. Upon adoption of the tax authorized in sections 67.1006 to 2 67.1012, there shall be established a "Tourism Commission", to consist of [five]

seven members, two of whom shall be appointed by the governing body of the county and two of whom shall be appointed by the governing body of the largest city within the county. Of the two members each appointed by the governing 5 bodies of the city and county, [one member each shall be a representative of the hotel and motel industry. Of each of the members so appointed by the governing 7 bodies of the city and county,] one member shall be appointed for a term of three years and one member shall be appointed for a term of two years. The remaining 9 10 [member] three members of the commission shall be appointed jointly by the governing bodies of the city and county and shall be [a member of a locally 11 formed organization representing the local general business interests in the area 12 and shall be appointed for a term of four years] representatives of the hotel 13 and motel industry, with two of such members to be appointed for a 14 term of three years and one member to be appointed for a term of two 15 16 years.

94.900. 1. (1) The governing body of the following cities may impose a tax as provided in this section:

- 3 (a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants[, or];
- (b) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants[, or]; 9
- 10 (c) Any city of the fourth classification with more than two thousand six 11 hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but 12 fewer than eighty-two thousand one hundred inhabitants[, or]; 13
- (d) Any home rule city with more than forty-eight thousand but fewer 14 than forty-nine thousand inhabitants; 15
- 16 (e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants. 17
- 18 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in 19 20the amount of up to one-half of one percent on all retail sales made in such city 21which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, including but not

- 23 limited to expenditures on equipment, city employee salaries and benefits, and
- 24 facilities for police, fire and emergency medical providers. The tax authorized by
- 25 this section shall be in addition to any and all other sales taxes allowed by law,
- 26 except that no ordinance or order imposing a sales tax pursuant to the provisions
- 27 of this section shall be effective unless the governing body of the city submits to
- 28 the voters of the city, at a county or state general, primary or special election, a
- 29 proposal to authorize the governing body of the city to impose a tax.
- 30 2. If the proposal submitted involves only authorization to impose the tax
- 31 authorized by this section, the ballot of submission shall contain, but need not be
- 32 limited to, the following language:
- 33 Shall the city of ...... (city's name) impose a citywide
- 34 sales tax of ...... (insert amount) for the purpose of improving the public safety
- 35 of the city?
- $\Box$  YES  $\Box$  NO
- 37 If you are in favor of the question, place an "X" in the box opposite "YES". If you
- 38 are opposed to the question, place an "X" in the box opposite "NO".
- 39 If a majority of the votes cast on the proposal by the qualified voters voting
- 40 thereon are in favor of the proposal submitted pursuant to this subsection, then
- 41 the ordinance or order and any amendments thereto shall be in effect on the first
- 42 day of the second calendar quarter after the director of revenue receives
- 43 notification of adoption of the local sales tax. If a proposal receives less than the
- 44 required majority, then the governing body of the city shall have no power to
- 45 impose the sales tax herein authorized unless and until the governing body of the
- 46 city shall again have submitted another proposal to authorize the governing body
- 47 of the city to impose the sales tax authorized by this section and such proposal
- 48 is approved by the required majority of the qualified voters voting
- 49 thereon. However, in no event shall a proposal pursuant to this section be
- 50 submitted to the voters sooner than twelve months from the date of the last
- 51 proposal pursuant to this section.
- 52 3. All revenue received by a city from the tax authorized under the
- 53 provisions of this section shall be deposited in a special trust fund and shall be
- 54 used solely for improving the public safety for such city for so long as the tax
- 55 shall remain in effect.
- 56 4. Once the tax authorized by this section is abolished or is terminated by
- 57 any means, all funds remaining in the special trust fund shall be used solely for
- 58 improving the public safety for the city. Any funds in such special trust fund

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which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

- 5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.
- 82 6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and 83 overpayments made, and may redeem dishonored checks and drafts deposited to 84 the credit of such cities. If any city abolishes the tax, the city shall notify the 85 director of the department of revenue of the action at least ninety days prior to 86 the effective date of the repeal and the director of the department of revenue may 87 order retention in the trust fund, for a period of one year, of two percent of the 88 amount collected after receipt of such notice to cover possible refunds or 89 90 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of 91 92 abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that 93 city. The director of the department of revenue shall notify each city of each

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95 instance of any amount refunded or any check redeemed from receipts due the 96 city.

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

[67.1005. 1. The governing body of any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism and for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. The tax authorized in this section shall not be imposed in any city or county where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof is imposed pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms and located in a county of the first class where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is

33	imposed may impose the tax authorized in this section of not more
34	than one-half percent per occupied room per night.
35	3. The ballot of submission for the tax authorized in this
36	section shall be in substantially the following form:
37	Shall (insert the name of the city or county) impose a tax or
38	the charges for all sleeping rooms paid by the transient guests o
39	hotels and motels situated in (name of city or county) at a rate of
40	(insert rate of percent) percent?
41	$\square$ YES $\square$ NO
42	4. As used in this section, "transient guests" shall mean a
43	person or persons who occupy a room or rooms in a hotel or mote
44	for thirty-one days or less during any calendar quarter.]

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