

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 937

AN ACT

To repeal section 221.407, RSMo, and to enact in lieu thereof one new section relating to a sales tax for regional jail districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 221.407, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 221.407,
3 to read as follows:

4 221.407. 1. The commission of any regional jail district
5 may impose, by order, a sales tax in the amount of one-eighth of
6 one percent, one-fourth of one percent, three-eighths of one
7 percent, or one-half of one percent on all retail sales made in
8 such region which are subject to taxation pursuant to the
9 provisions of sections 144.010 to 144.525 for the purpose of
10 providing jail services and court facilities and equipment for
11 such region. The tax authorized by this section shall be in
12 addition to any and all other sales taxes allowed by law, except
13 that no order imposing a sales tax pursuant to this section shall
14 be effective unless the commission submits to the voters of the
15 district, on any election date authorized in chapter 115, a
16 proposal to authorize the commission to impose a tax.

17 2. The ballot of submission shall contain, but need not be
18 limited to, the following language:

1 Shall the regional jail district of
2 (counties' names) impose a region-wide sales tax of
3 (insert amount) for the purpose of providing
4 jail services and court facilities and equipment for the region?

5 YES NO

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

9
10 If a majority of the votes cast on the proposal by the qualified
11 voters of the district voting thereon are in favor of the
12 proposal, then the order and any amendment to such order shall be
13 in effect on the first day of the second quarter immediately
14 following the election approving the proposal. If the proposal
15 receives less than the required majority, the commission shall
16 have no power to impose the sales tax authorized pursuant to this
17 section unless and until the commission shall again have
18 submitted another proposal to authorize the commission to impose
19 the sales tax authorized by this section and such proposal is
20 approved by the required majority of the qualified voters of the
21 district voting on such proposal; however, in no event shall a
22 proposal pursuant to this section be submitted to the voters
23 sooner than twelve months from the date of the last submission of
24 a proposal pursuant to this section.

25 3. All revenue received by a district from the tax
26 authorized pursuant to this section shall be deposited in a
27 special trust fund and shall be used solely for providing jail
28 services and court facilities and equipment for such district for

1 so long as the tax shall remain in effect.

2 4. Once the tax authorized by this section is abolished or
3 terminated by any means, all funds remaining in the special trust
4 fund shall be used solely for providing jail services and court
5 facilities and equipment for the district. Any funds in such
6 special trust fund which are not needed for current expenditures
7 may be invested by the commission in accordance with applicable
8 laws relating to the investment of other county funds.

9 5. All sales taxes collected by the director of revenue
10 pursuant to this section on behalf of any district, less one
11 percent for cost of collection which shall be deposited in the
12 state's general revenue fund after payment of premiums for surety
13 bonds as provided in section 32.087, shall be deposited in a
14 special trust fund, which is hereby created, to be known as the
15 "Regional Jail District Sales Tax Trust Fund". The moneys in the
16 regional jail district sales tax trust fund shall not be deemed
17 to be state funds and shall not be commingled with any funds of
18 the state. The director of revenue shall keep accurate records
19 of the amount of money in the trust fund which was collected in
20 each district imposing a sales tax pursuant to this section, and
21 the records shall be open to the inspection of officers of each
22 member county and the public. Not later than the tenth day of
23 each month the director of revenue shall distribute all moneys
24 deposited in the trust fund during the preceding month to the
25 district which levied the tax. Such funds shall be deposited
26 with the treasurer of each such district, and all expenditures of
27 funds arising from the regional jail district sales tax trust
28 fund shall be paid pursuant to an appropriation adopted by the

1 commission and shall be approved by the commission. Expenditures
2 may be made from the fund for any function authorized in the
3 order adopted by the commission submitting the regional jail
4 district tax to the voters.

5 6. The director of revenue may [authorize the state
6 treasurer to] make refunds from the amounts in the trust fund and
7 credited to any district for erroneous payments and overpayments
8 made, and may redeem dishonored checks and drafts deposited to
9 the credit of such districts. If any district abolishes the tax,
10 the commission shall notify the director of revenue of the action
11 at least ninety days prior to the effective date of the repeal,
12 and the director of revenue may order retention in the trust
13 fund, for a period of one year, of two percent of the amount
14 collected after receipt of such notice to cover possible refunds
15 or overpayment of the tax and to redeem dishonored checks and
16 drafts deposited to the credit of such accounts. After one year
17 has elapsed after the effective date of abolition of the tax in
18 such district, the director of revenue shall remit the balance in
19 the account to the district and close the account of that
20 district. The director of revenue shall notify each district in
21 each instance of any amount refunded or any check redeemed from
22 receipts due the district.

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

26 8. The provisions of this section shall expire September
27 30, [2015] 2027.