

FIRST REGULAR SESSION

# SENATE BILL NO. 191

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 7, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0790S.01I

## AN ACT

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

*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Section A. Section 94.900, RSMo, is repealed and one new section enacted  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. (1) The governing body of the following cities may impose a  
2 tax as provided in this section:

3 (a) Any city of the third classification with more than ten thousand eight  
4 hundred but less than ten thousand nine hundred inhabitants located at least  
5 partly within a county of the first classification with more than one hundred  
6 eighty-four thousand but less than one hundred eighty-eight thousand  
7 inhabitants;

8 (b) Any city of the fourth classification with more than eight thousand  
9 nine hundred but fewer than nine thousand inhabitants;

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  
12 any county of the first classification with more than eighty-two thousand but  
13 fewer than eighty-two thousand one hundred inhabitants;

14 (d) Any home rule city with more than forty-eight thousand but fewer  
15 than forty-nine thousand inhabitants;

16 (e) Any home rule city with more than seventy-three thousand but fewer  
17 than seventy-five thousand inhabitants;

18 (f) Any city of the fourth classification with more than thirteen  
19 thousand five hundred but fewer than sixteen thousand inhabitants and  
20 located in any county of the first classification with more than seventy

21 **thousand but fewer than eighty-three thousand inhabitants.**

22 (2) The governing body of any city listed in subdivision (1) of this  
23 subsection is hereby authorized to impose, by ordinance or order, a sales tax in  
24 the amount of up to one-half of one percent on all retail sales made in such city  
25 which are subject to taxation under the provisions of sections 144.010 to 144.525  
26 for the purpose of improving the public safety for such city, including but not  
27 limited to expenditures on equipment, city employee salaries and benefits, and  
28 facilities for police, fire and emergency medical providers. The tax authorized by  
29 this section shall be in addition to any and all other sales taxes allowed by law,  
30 except that no ordinance or order imposing a sales tax pursuant to the provisions  
31 of this section shall be effective unless the governing body of the city submits to  
32 the voters of the city, at a county or state general, primary or special election, a  
33 proposal to authorize the governing body of the city to impose a tax.

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

37 Shall the city of ..... (city's name) impose a citywide  
38 sales tax of ..... (insert amount) for the purpose of improving the public safety  
39 of the city?

40  YES  NO

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

43 If a majority of the votes cast on the proposal by the qualified voters voting  
44 thereon are in favor of the proposal submitted pursuant to this subsection, then  
45 the ordinance or order and any amendments thereto shall be in effect on the first  
46 day of the second calendar quarter after the director of revenue receives  
47 notification of adoption of the local sales tax. If a proposal receives less than the  
48 required majority, then the governing body of the city shall have no power to  
49 impose the sales tax herein authorized unless and until the governing body of the  
50 city shall again have submitted another proposal to authorize the governing body  
51 of the city to impose the sales tax authorized by this section and such proposal  
52 is approved by the required majority of the qualified voters voting  
53 thereon. However, in no event shall a proposal pursuant to this section be  
54 submitted to the voters sooner than twelve months from the date of the last  
55 proposal pursuant to this section.

56 3. All revenue received by a city from the tax authorized under the

57 provisions of this section shall be deposited in a special trust fund and shall be  
58 used solely for improving the public safety for such city for so long as the tax  
59 shall remain in effect.

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

66         5. All sales taxes collected by the director of the department of revenue  
67 under this section on behalf of any city, less one percent for cost of collection  
68 which shall be deposited in the state's general revenue fund after payment of  
69 premiums for surety bonds as provided in section 32.087, shall be deposited in a  
70 special trust fund, which is hereby created, to be known as the "City Public Safety  
71 Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be  
72 state funds and shall not be commingled with any funds of the state. The  
73 provisions of section 33.080 to the contrary notwithstanding, money in this fund  
74 shall not be transferred and placed to the credit of the general revenue fund. The  
75 director of the department of revenue shall keep accurate records of the amount  
76 of money in the trust and which was collected in each city imposing a sales tax  
77 pursuant to this section, and the records shall be open to the inspection of officers  
78 of the city and the public. Not later than the tenth day of each month the  
79 director of the department of revenue shall distribute all moneys deposited in the  
80 trust fund during the preceding month to the city which levied the tax; such  
81 funds shall be deposited with the city treasurer of each such city, and all  
82 expenditures of funds arising from the trust fund shall be by an appropriation act  
83 to be enacted by the governing body of each such city. Expenditures may be made  
84 from the fund for any functions authorized in the ordinance or order adopted by  
85 the governing body submitting the tax to the voters.

86         6. The director of the department of revenue may make refunds from the  
87 amounts in the trust fund and credited to any city for erroneous payments and  
88 overpayments made, and may redeem dishonored checks and drafts deposited to  
89 the credit of such cities. If any city abolishes the tax, the city shall notify the  
90 director of the department of revenue of the action at least ninety days prior to  
91 the effective date of the repeal and the director of the department of revenue may  
92 order retention in the trust fund, for a period of one year, of two percent of the

93 amount collected after receipt of such notice to cover possible refunds or  
94 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
95 the credit of such accounts. After one year has elapsed after the effective date of  
96 abolition of the tax in such city, the director of the department of revenue shall  
97 remit the balance in the account to the city and close the account of that  
98 city. The director of the department of revenue shall notify each city of each  
99 instance of any amount refunded or any check redeemed from receipts due the  
100 city.

101           7. Except as modified in this section, all provisions of sections 32.085 and  
102 32.087 shall apply to the tax imposed pursuant to this section.

Unofficial

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Bill

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