

# SENATE BILL NO. 104

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0447S.01I

KRISTINA MARTIN, Secretary

### AN ACT

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

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Section A. Section 94.900, RSMo, is repealed and one new  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

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

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

9 (b) Any city of the fourth classification with more  
10 than four thousand five hundred but fewer than five thousand  
11 inhabitants;

12 (c) Any city of the fourth classification with more  
13 than eight thousand nine hundred but fewer than nine  
14 thousand inhabitants;

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

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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 (f) Any city of the fourth classification with more  
20 than thirteen thousand five hundred but fewer than sixteen  
21 thousand inhabitants;

22 (g) Any city of the fourth classification with more  
23 than seven thousand but fewer than eight thousand  
24 inhabitants;

25 (h) Any city of the fourth classification with more  
26 than four thousand but fewer than four thousand five hundred  
27 inhabitants and located in any county of the first  
28 classification with more than one hundred fifty thousand but  
29 fewer than two hundred thousand inhabitants;

30 (i) Any city of the third classification with more  
31 than thirteen thousand but fewer than fifteen thousand  
32 inhabitants and located in any county of the third  
33 classification without a township form of government and  
34 with more than thirty-three thousand but fewer than thirty-  
35 seven thousand inhabitants;

36 (j) Any city of the fourth classification with more  
37 than three thousand but fewer than three thousand three  
38 hundred inhabitants and located in any county of the third  
39 classification without a township form of government and  
40 with more than eighteen thousand but fewer than twenty  
41 thousand inhabitants and that is not the county seat of such  
42 county;

43 (k) Any city with more than ten thousand but fewer  
44 than eleven thousand inhabitants and partially located in a  
45 county with more than two hundred thirty thousand but fewer  
46 than two hundred sixty thousand inhabitants;

47 (l) Any city with more than four thousand nine hundred  
48 but fewer than five thousand six hundred inhabitants and  
49 located in a county with more than thirty thousand but fewer  
50 than thirty-five thousand inhabitants; [or]

51 (m) Any city with more than twelve thousand five  
52 hundred but fewer than fourteen thousand inhabitants and  
53 that is the county seat of a county with more than twenty-  
54 two thousand but fewer than twenty-five thousand  
55 inhabitants; **or**

56 **(n) Any village with more than four hundred thirty but**  
57 **fewer than four hundred eighty inhabitants and partially**  
58 **located in a county with more than forty thousand but fewer**  
59 **than fifty thousand inhabitants and with a county seat with**  
60 **more than two thousand but fewer than six thousand**  
61 **inhabitants.**

62 (2) The governing body of any city listed in  
63 subdivision (1) of this subsection is hereby authorized to  
64 impose, by ordinance or order, a sales tax in the amount of  
65 up to one-half of one percent on all retail sales made in  
66 such city which are subject to taxation under the provisions  
67 of sections 144.010 to 144.525 for the purpose of improving  
68 the public safety for such city, which shall be limited to  
69 expenditures on equipment, salaries and benefits, and  
70 facilities for police, fire and emergency medical  
71 providers. The tax authorized by this section shall be in  
72 addition to any and all other sales taxes allowed by law,  
73 except that no ordinance or order imposing a sales tax  
74 pursuant to the provisions of this section shall be  
75 effective unless the governing body of the city submits to  
76 the voters of the city, at a county or state general,  
77 primary or special election, a proposal to authorize the  
78 governing body of the city to impose a tax.

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

83            Shall the city of \_\_\_\_\_ (city's name) impose a  
84            citywide sales tax of \_\_\_\_\_ (insert amount) for  
85            the purpose of improving the public safety of the  
86            city?

87                             YES                             NO

88            If you are in favor of the question, place an "X"  
89            in the box opposite "YES". If you are opposed to  
90            the question, place an "X" in the box opposite "NO".  
91

92            If a majority of the votes cast on the proposal by the  
93            qualified voters voting thereon are in favor of the proposal  
94            submitted pursuant to this subsection, then the ordinance or  
95            order and any amendments thereto shall be in effect on the  
96            first day of the second calendar quarter after the director  
97            of revenue receives notification of adoption of the local  
98            sales tax. If a proposal receives less than the required  
99            majority, then the governing body of the city shall have no  
100           power to impose the sales tax herein authorized unless and  
101           until the governing body of the city shall again have  
102           submitted another proposal to authorize the governing body  
103           of the city to impose the sales tax authorized by this  
104           section and such proposal is approved by the required  
105           majority of the qualified voters voting thereon. However,  
106           in no event shall a proposal pursuant to this section be  
107           submitted to the voters sooner than twelve months from the  
108           date of the last proposal pursuant to this section.

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

114           4. Once the tax authorized by this section is  
115 abolished or is terminated by any means, all funds remaining  
116 in the special trust fund shall be used solely for improving  
117 the public safety for the city. Any funds in such special  
118 trust fund which are not needed for current expenditures may  
119 be invested by the governing body in accordance with  
120 applicable laws relating to the investment of other city  
121 funds.

122           5. All sales taxes collected by the director of the  
123 department of revenue under this section on behalf of any  
124 city, less one percent for cost of collection which shall be  
125 deposited in the state's general revenue fund after payment  
126 of premiums for surety bonds as provided in section 32.087,  
127 shall be deposited in a special trust fund, which is hereby  
128 created, to be known as the "City Public Safety Sales Tax  
129 Trust Fund". The moneys in the trust fund shall not be  
130 deemed to be state funds and shall not be commingled with  
131 any funds of the state. The provisions of section 33.080 to  
132 the contrary notwithstanding, money in this fund shall not  
133 be transferred and placed to the credit of the general  
134 revenue fund. The director of the department of revenue  
135 shall keep accurate records of the amount of money in the  
136 trust and which was collected in each city imposing a sales  
137 tax pursuant to this section, and the records shall be open  
138 to the inspection of officers of the city and the public.  
139 Not later than the tenth day of each month the director of  
140 the department of revenue shall distribute all moneys  
141 deposited in the trust fund during the preceding month to  
142 the city which levied the tax; such funds shall be deposited  
143 with the city treasurer of each such city, and all  
144 expenditures of funds arising from the trust fund shall be  
145 by an appropriation act to be enacted by the governing body

146 of each such city. Expenditures may be made from the fund  
147 for any functions authorized in the ordinance or order  
148 adopted by the governing body submitting the tax to the  
149 voters.

150         6. The director of the department of revenue may make  
151 refunds from the amounts in the trust fund and credited to  
152 any city for erroneous payments and overpayments made, and  
153 may redeem dishonored checks and drafts deposited to the  
154 credit of such cities. If any city abolishes the tax, the  
155 city shall notify the director of the department of revenue  
156 of the action at least ninety days prior to the effective  
157 date of the repeal and the director of the department of  
158 revenue may order retention in the trust fund, for a period  
159 of one year, of two percent of the amount collected after  
160 receipt of such notice to cover possible refunds or  
161 overpayment of the tax and to redeem dishonored checks and  
162 drafts deposited to the credit of such accounts. After one  
163 year has elapsed after the effective date of abolition of  
164 the tax in such city, the director of the department of  
165 revenue shall remit the balance in the account to the city  
166 and close the account of that city. The director of the  
167 department of revenue shall notify each city of each  
168 instance of any amount refunded or any check redeemed from  
169 receipts due the city.

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

173         8. If any city in subsection 1 of this section enacts  
174 the tax authorized in this section, the city shall budget an  
175 amount to public safety that is no less than the amount  
176 budgeted in the year immediately preceding the enactment of

177 the tax. The revenue from the tax shall supplement and not  
178 replace amounts budgeted by the city.

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