

SECOND REGULAR SESSION

# SENATE BILL NO. 967

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCOTT

Read 1st time February 26, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3992.011

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## AN ACT

To repeal sections 163.161, 313.805 and 313.822, RSMo 1994, relating to public schools, and to enact in lieu thereof nine new sections relating to the same subject.

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

Section A. Sections 163.161, 313.805 and 313.822, RSMo 1994, are repealed and nine new sections enacted in lieu thereof, to be known as sections 99.720, 163.161, 164.115, 164.116, 164.117, 313.805, 313.822, 353.200 and 1, to read as follows:

**99.720. Notwithstanding any other provision of law to the contrary, no certificate of tax abatement may be issued under section 99.700 unless and until the city makes a determination as to the amount of revenue for the city which will be generated by the project of which the real property at issue is a part, and pays to the school district which has taxing authority over the property an amount equal to fifty percent of such revenue amount.**

163.161. 1. Any school district which makes provision for transporting pupils as provided in section 162.621, RSMo, and sections 167.231 and 167.241, RSMo, shall receive state aid for the ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive, pursuant to section 163.031, an amount not greater than seventy-five percent of the allowable costs of providing pupil transportation services to and from school and to and from public accredited vocational courses, and shall not receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year, except when the state board of education determines that sufficient circumstances exist to authorize amounts in excess of the one hundred

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

twenty-five percent of the state average approved cost per pupil transported the second previous year.

2. The state board of education shall approve all bus routes or portions of routes and determine the total miles each district should have for effective and economical transportation of the pupils and shall determine allowable costs. Under circumstances where the state board approves only a portion of a route, the costs for the disapproved portion shall not be considered allowable costs. The local school board, in its discretion, may continue that portion of the route unless that portion of the route was discontinued by the state board of education for safety reasons. When the local school board decides to continue that portion of the route, costs incurred shall be paid from local money or by the parents of the students living on that portion of the route under consideration. State aid for any other portion of the route which shall otherwise be approved shall not be affected. No state aid shall be paid for the costs of transporting pupils living less than one mile from the school. However, if the state board of education determines that circumstances exist where no appreciable additional expenses are incurred in transporting pupils living less than one mile from school, such pupils may be transported without increasing or diminishing the district's entitlement to state aid for transportation.

3. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-five percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned pursuant to section 163.031 where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be seventy-five percent of allowable costs as determined by the state board of education which may for sufficient reason authorize amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed seventy-five percent of the total allowable cost of transporting all pupils eligible to be transported.

4. No state transportation aid received pursuant to section 163.031 shall be used to purchase any school bus manufactured prior to April 1, 1977, that does not meet the federal motor vehicle safety standards.

**5. For the purposes of calculating state transportation aid, the transportation operations of metropolitan school districts as defined in subdivision (5) of section 163.011 shall be divided into five separate portions:**

- (1) Regular non-integrated;**
- (2) Magnet/regular integrated;**
- (3) Special education;**

**(4) Transportation pursuant to a program designed to reduce student mobility by allowing students to continue attending the school within the district where they began their education, regardless of the students' present residence; and**

**(5) Any other court ordered transportation.**

**State transportation aid related to the metropolitan district's regular non-integrated portion shall be computed in the same manner as the state transportation aid for other school districts. Transportation for the magnet/regular integrated, special education, reducing mobility and other court ordered portions of the metropolitan school district's transportation operations shall not be included in the computation of this transportation aid. Rather, the district shall receive transportation aid amounting to one hundred percent of all allowable costs of providing transportation services pursuant to the district's plan to reduce student mobility; and seventy-five percent of all allowable costs of providing transportation services related to magnet/regular integrated schools, special education services and other court ordered obligations.**

**6. Subsection 5 of this section shall be effective beginning with the transportation aid disbursed in the 1997-98 school year.**

**164.115. 1. The board of education of any metropolitan school district, in addition to other taxes it is authorized by law to levy for school purposes, may levy any tax which a city not within a county is authorized to levy for general purposes, including, but not limited to, a sales tax, use tax, earnings tax, gaming tax, or tourism tax, when authorized by a majority of the voters of the district voting on the proposal as submitted by the board. The rate of levy of any such tax shall not exceed the rate which the city not within a county is authorized to levy for the same tax.**

**2. Any tax imposed under this section shall be subject to the same exemptions and restrictions, and be imposed in the same manner, as the tax authorized by the city not within a county, except any provision governing the tax of the city not within a county which may be inconsistent with, or repugnant to, the provisions of sections 164.115 to 164.117, shall not apply.**

**164.116. 1. Whenever the board of education, by resolution adopted by vote of not less than two-thirds of the members of the board, determines that a levy authorized by section 164.115, at a rate and for a period fixed in the resolution, is necessary or desirable, they shall cause notice to be given that the proposed levy will be submitted. The notice shall state the type and rate of levy, and the period of levy, if any.**

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

**Shall the school board of ..... (name of district) be authorized to impose a tax at the rate of ....., on ..... (type of tax) for school purposes?**

**164.117. If a majority of the voters voting on the proposal authorized pursuant**

**to section 164.116, vote in favor of the tax the result of the vote shall be certified by the secretary of the board to the clerk of the commission of the city not within a county who shall thereupon assess and collect the tax. The taxes shall be collected and paid over to the treasurer of the school district in like manner and with other general property taxes of the school district.**

313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions [including providing a maximum loss of five hundred dollars per individual player per gambling excursion] **provided, however, that the commission shall not place a limit upon the maximum loss per individual player;**

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures under this section shall be enforced as provided under sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat

or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) Determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(15) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized under subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(16) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(17) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

313.822. A tax is imposed on the adjusted gross receipts received from gambling games authorized under sections 313.800 to 313.850 at the rate of twenty percent. The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within ten days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the ten days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized under subsection 10 of section 313.812 to share revenue obtained under this section. **Subject to the provisions of subdivision (3) of this section,** the home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied under this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) **Subject to the provisions of subdivision (3) of this section,** the remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall be pursuant to state law.

**(3) Subdivisions (1) and (2) of this section notwithstanding, school districts in the home dock city or county shall receive a percentage of the adjusted gross receipts tax levied under this section equivalent to the amount of the increase in the adjusted gross receipts tax revenue attributable to the elimination of the five-hundred dollar per individual play per gambling excursion loss limit previously required by subdivision (3) of section 313.805 as that increase may be determined by the commission.**

**353.200. Notwithstanding any other provision of law to the contrary, no tax abatement or exemption shall become effective pursuant to the provisions of this chapter in a city not within a county unless and until the governing body of the city makes a determination as to the amount of revenue for the city which will be generated by the project of the urban redevelopment corporation of which the real property at issue is a part and pays the board of education of the city an amount equal to fifty percent of such amount.**

**Section 1. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a school district sales tax of up to one-half of one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.**

**2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.**

**3. The ballot of submission shall contain, but need not be limited to, the following language:**

**Shall the county/city of ..... (county's or city's name) impose a county/city-wide sales tax of ..... percent for the purpose of providing a source of funds to school districts for school purposes?**

☐ **Yes**

☐ **No**

**If a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the school district sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on**

**it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.**

**4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred inhabitants unless and until both such city and such county approve the tax.**

**5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, 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, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "School District Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. 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 director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public.**

**6. The revenues derived from any school district sales tax under this section shall be disbursed to school districts existing within a city and county authorized under this section to impose a school district sales tax. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the treasurers of the school districts within the city and county which levied the tax, as described herein. Each month the director shall determine the total amount of revenue in the fund, and the total amount of resident pupils in the city and the county. The director shall then distribute to each school district in the city and county a percentage of the total amount in the trust fund which equals the percentage that the resident pupils in that district bears to the total amount of resident pupils in all districts within the city and county.**

**7. The provisions of this section shall expire on July 1, 2008.**