

FIRST REGULAR SESSION

SENATE BILL NO. 494

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS.

Read 1st time February 25, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S0072.021

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to funding for wastewater treatment projects, with penalty provisions.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.1720, to read as follows:

67.1720. 1. As used in this section, "phosphorus-containing product" means any product sold in this state which contains more than one-tenth of one percent, by weight, of elemental phosphorus, excluding any product which is primarily intended for use as a fertilizer for agricultural production, as determined by the department of agriculture by rule.

2. The governing body of any county may impose, by ordinance or order, a sales tax on all retail sales of phosphorus-containing products made in such county which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo.

3. The maximum rate for a sales tax pursuant to this section shall be one percent.

4. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

5. Such proposal shall be submitted in substantially the following form:

Shall the county of impose a sales tax of (insert amount) on the

sales of phosphorus-containing products for the purpose of improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county?

☐ **YES**

☐ **NO**

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall not impose the sales tax authorized in this section until the governing body of the county resubmits another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however, no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

6. All revenue received by a county from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 4 of this section within such county for so long as the tax shall remain in effect.

7. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 4 of this section within the county. Any funds in such special trust fund 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 county or funds.

8. All sales taxes collected by the director of revenue pursuant to this section on behalf of any 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 as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Wastewater Treatment Sales Tax Trust Fund".

9. The moneys in the local wastewater treatment sales tax 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 and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public.

10. 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 county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the local wastewater treatment sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any purposes authorized pursuant to subsection 4 of this section in the ordinance or order adopted by the governing body submitting the tax to the voters.

11. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties.

12. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or 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 abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

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

14. For purposes of this section, the term "wastewater treatment and water pollution abatement" is limited to the following:

- (1) Establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities;**
- (2) Elimination or reduction of the release of water pollutants affecting waters of the state located in the county; and**
- (3) Use of funds as matching funds for grants or loans from the clean water commission pursuant to chapter 644, RSMo.**