

FIRST REGULAR SESSION

# SENATE BILL NO. 284

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Read 1st time January 22, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0999S.011

## AN ACT

To repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety.

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

Section A. Section 94.902, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 94.902, to read as follows:

94.902. 1. The governing bodies of the following cities may impose a tax  
2 as provided in this section:

3 (1) Any city of the third classification with more than twenty-six thousand  
4 three hundred but less than twenty-six thousand seven hundred inhabitants;

5 (2) Any city of the fourth classification with more than thirty thousand  
6 three hundred but fewer than thirty thousand seven hundred inhabitants;

7 (3) Any city of the fourth classification with more than twenty-four  
8 thousand eight hundred but fewer than twenty-five thousand inhabitants;

9 (4) Any special charter city with more than twenty-nine thousand but  
10 fewer than thirty-two thousand inhabitants;

11 (5) Any city of the third classification with more than four thousand but  
12 fewer than four thousand five hundred inhabitants and located in any county of  
13 the first classification with more than two hundred thousand but fewer than two  
14 hundred sixty thousand inhabitants;

15 (6) Any city of the fourth classification with more than nine thousand five  
16 hundred but fewer than ten thousand eight hundred inhabitants; [or]

17 (7) Any city of the fourth classification with more than five hundred  
18 eighty but fewer than six hundred fifty inhabitants; **or**

19 (8) **Any city of the fourth classification with more than two**

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

20 **thousand four hundred but fewer than two thousand seven hundred**  
21 **inhabitants and located in any county of the third classification**  
22 **without a township form of government and with more than ten**  
23 **thousand but fewer than twelve thousand inhabitants.**

24           2. The governing body of any city listed in subsection 1 of this section may  
25 impose, by order or ordinance, a sales tax on all retail sales made in the city  
26 which are subject to taxation under chapter 144. The tax authorized in this  
27 section may be imposed in an amount of up to one-half of one percent, and shall  
28 be imposed solely for the purpose of improving the public safety for such city,  
29 including but not limited to expenditures on equipment, city employee salaries  
30 and benefits, and facilities for police, fire and emergency medical providers. The  
31 tax authorized in this section shall be in addition to all other sales taxes imposed  
32 by law, and shall be stated separately from all other charges and taxes. The  
33 order or ordinance imposing a sales tax under this section shall not become  
34 effective unless the governing body of the city submits to the voters residing  
35 within the city, at a county or state general, primary, or special election, a  
36 proposal to authorize the governing body of the city to impose a tax under this  
37 section.

38           3. The ballot of submission for the tax authorized in this section shall be  
39 in substantially the following form:

40           Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax at  
41           a rate of \_\_\_\_\_ (insert rate of percent) percent for the purpose of  
42           improving the public safety of the city?

43                                    YES                                    NO

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

47 If a majority of the votes cast on the proposal by the qualified voters voting  
48 thereon are in favor of the proposal, then the ordinance or order and any  
49 amendments to the order or ordinance shall become effective on the first day of  
50 the second calendar quarter after the director of revenue receives notice of the  
51 adoption of the sales tax. If a majority of the votes cast on the proposal by the  
52 qualified voters voting thereon are opposed to the proposal, then the tax shall not  
53 become effective unless the proposal is resubmitted under this section to the  
54 qualified voters and such proposal is approved by a majority of the qualified  
55 voters voting on the proposal. However, in no event shall a proposal under this

56 section be submitted to the voters sooner than twelve months from the date of the  
57 last proposal under this section.

58           4. Any sales tax imposed under this section shall be administered,  
59 collected, enforced, and operated as required in section 32.087. All sales taxes  
60 collected by the director of the department of revenue under this section on behalf  
61 of any city, less one percent for cost of collection which shall be deposited in the  
62 state's general revenue fund after payment of premiums for surety bonds as  
63 provided in section 32.087, shall be deposited in a special trust fund, which is  
64 hereby created in the state treasury, to be known as the "City Public Safety Sales  
65 Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state  
66 funds and shall not be commingled with any funds of the state. The provisions  
67 of section 33.080 to the contrary notwithstanding, money in this fund shall not  
68 be transferred and placed to the credit of the general revenue fund. The director  
69 shall keep accurate records of the amount of money in the trust fund and which  
70 was collected in each city imposing a sales tax under this section, and the records  
71 shall be open to the inspection of officers of the city and the public. Not later  
72 than the tenth day of each month the director shall distribute all moneys  
73 deposited in the trust fund during the preceding month to the city which levied  
74 the tax. Such funds shall be deposited with the city treasurer of each such city,  
75 and all expenditures of funds arising from the trust fund shall be by an  
76 appropriation act to be enacted by the governing body of each such  
77 city. Expenditures may be made from the fund for any functions authorized in  
78 the ordinance or order adopted by the governing body submitting the tax to the  
79 voters. If the tax is repealed, all funds remaining in the special trust fund shall  
80 continue to be used solely for the designated purposes. Any funds in the special  
81 trust fund which are not needed for current expenditures shall be invested in the  
82 same manner as other funds are invested. Any interest and moneys earned on  
83 such investments shall be credited to the fund.

84           5. The director of the department of revenue may authorize the state  
85 treasurer to make refunds from the amounts in the trust fund and credited to any  
86 city for erroneous payments and overpayments made, and may redeem dishonored  
87 checks and drafts deposited to the credit of such cities. If any city abolishes the  
88 tax, the city shall notify the director of the action at least ninety days before the  
89 effective date of the repeal, and the director may order retention in the trust  
90 fund, for a period of one year, of two percent of the amount collected after receipt  
91 of such notice to cover possible refunds or overpayment of the tax and to redeem

92 dishonored checks and drafts deposited to the credit of such accounts. After one  
93 year has elapsed after the effective date of abolition of the tax in such city, the  
94 director shall remit the balance in the account to the city and close the account  
95 of that city. The director shall notify each city of each instance of any amount  
96 refunded or any check redeemed from receipts due the city.

97 6. The governing body of any city that has adopted the sales tax  
98 authorized in this section may submit the question of repeal of the tax to the  
99 voters on any date available for elections for the city. The ballot of submission  
100 shall be in substantially the following form:

101 Shall \_\_\_\_\_ (insert the name of the city) repeal the sales tax  
102 imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent for the  
103 purpose of improving the public safety of the city?

104  YES  NO

105 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
106 shall become effective on December thirty-first of the calendar year in which such  
107 repeal was approved. If a majority of the votes cast on the question by the  
108 qualified voters voting thereon are opposed to the repeal, then the sales tax  
109 authorized in this section shall remain effective until the question is resubmitted  
110 under this section to the qualified voters, and the repeal is approved by a  
111 majority of the qualified voters voting on the question.

112 7. Whenever the governing body of any city that has adopted the sales tax  
113 authorized in this section receives a petition, signed by ten percent of the  
114 registered voters of the city voting in the last gubernatorial election, calling for  
115 an election to repeal the sales tax imposed under this section, the governing body  
116 shall submit to the voters of the city a proposal to repeal the tax. If a majority  
117 of the votes cast on the question by the qualified voters voting thereon are in  
118 favor of the repeal, that repeal shall become effective on December thirty-first of  
119 the calendar year in which such repeal was approved. If a majority of the votes  
120 cast on the question by the qualified voters voting thereon are opposed to the  
121 repeal, then the tax shall remain effective until the question is resubmitted under  
122 this section to the qualified voters and the repeal is approved by a majority of the  
123 qualified voters voting on the question.

124 8. Any sales tax imposed under this section by a city described under  
125 subdivision (6) of subsection 1 of this section that is in effect as of December 31,  
126 2038, shall automatically expire. No city described under subdivision (6) of  
127 subsection 1 of this section shall collect a sales tax pursuant to this section on or

128 after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax  
129 imposed under this section by a city described under subdivision (6) of subsection  
130 1 of this section.

131 9. Except as modified in this section, all provisions of sections 32.085 and  
132 32.087 shall apply to the tax imposed under this section.

✓

Unofficial

Bill

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