

SENATE BILL NO. 180

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

0731S.01H

KRISTINA MARTIN, Secretary

AN ACT

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Section A. Section 94.902, RSMo, is repealed and one new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

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

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

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

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

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

14 (5) Any city of the third classification with more
15 than four thousand but fewer than four thousand five hundred
16 inhabitants and located in any county of the first
17 classification with more than two hundred thousand but fewer
18 than two hundred sixty 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 (6) Any city of the fourth classification with more
20 than nine thousand five hundred but fewer than ten thousand
21 eight hundred inhabitants;

22 (7) Any city of the fourth classification with more
23 than five hundred eighty but fewer than six hundred fifty
24 inhabitants;

25 (8) Any city of the fourth classification with more
26 than two thousand seven hundred but fewer than three
27 thousand inhabitants and located in any county of the first
28 classification with more than eighty-three thousand but
29 fewer than ninety-two thousand inhabitants; [or]

30 (9) Any city of the fourth classification with more
31 than two thousand four hundred but fewer than two thousand
32 seven hundred inhabitants and located in any county of the
33 third classification without a township form of government
34 and with more than ten thousand but fewer than twelve
35 thousand inhabitants;

36 **(10) Any city with more than one thousand sixty but**
37 **fewer than one thousand one hundred seventy inhabitants and**
38 **located in a county with more than nineteen thousand but**
39 **fewer than twenty-two thousand inhabitants and with a county**
40 **seat with more than one thousand but fewer than two thousand**
41 **two hundred twenty inhabitants; or**

42 **(11) Any city with more than nine thousand but fewer**
43 **than ten thousand inhabitants and that is the county seat of**
44 **a county with more than nineteen thousand but fewer than**
45 **twenty-two thousand inhabitants.**

46 2. The governing body of any city listed in subsection
47 1 of this section may impose, by order or ordinance, a sales
48 tax on all retail sales made in the city which are subject
49 to taxation under chapter 144. The tax authorized in this
50 section may be imposed in an amount of up to one-half of one

51 percent[, and] . **The tax** shall be imposed solely for the
52 purpose of improving the public safety for such city,
53 including but not limited to expenditures on equipment[,];
54 city employee salaries and benefits[,]; and facilities for
55 police, fire and emergency medical providers. The tax
56 authorized in this section shall be in addition to all other
57 sales taxes imposed by law, and shall be stated separately
58 from all other charges and taxes. The order or ordinance
59 imposing a sales tax under this section shall not become
60 effective unless the governing body of the city submits to
61 the voters residing within the city, at a county or state
62 general, primary, or special election, a proposal to
63 authorize the governing body of the city to impose a tax
64 under this section.

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

67 Shall the city of _____ [(city's name)] impose a citywide
68 sales tax at a rate of _____ [(insert rate of percent)]
69 percent for the purpose of improving the public safety of
70 the city?

71 YES NO

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

75 If a majority of the votes cast on the proposal by the
76 qualified voters voting thereon are in favor of the
77 proposal, then the ordinance or order and any amendments to
78 the order or ordinance shall become effective on the first
79 day of the second calendar quarter after the director of
80 revenue receives notice of the adoption of the sales tax.

81 If a majority of the votes cast on the proposal by the
82 qualified voters voting thereon are opposed to the proposal,
83 then the tax shall not become effective unless the proposal
84 is resubmitted under this section to the qualified voters
85 and such proposal is approved by a majority of the qualified
86 voters voting on the proposal. However, in no event shall a
87 proposal under this section be submitted to the voters
88 sooner than twelve months from the date of the last proposal
89 under this section.

90 4. Any sales tax imposed under this section shall be
91 administered, collected, enforced, and operated as required
92 in section 32.087. All sales taxes collected by the
93 director of the department of revenue under this section on
94 behalf of any city, less one percent for cost of collection
95 which shall be deposited in the state's general revenue fund
96 after payment of premiums for surety bonds as provided in
97 section 32.087, shall be deposited in a special trust fund,
98 which is hereby created in the state treasury, to be known
99 as the "City Public Safety Sales Tax Trust Fund". The
100 moneys in the trust fund shall not be deemed to be state
101 funds and shall not be commingled with any funds of the
102 state. The provisions of section 33.080 to the contrary
103 notwithstanding, money in this fund shall not be transferred
104 and placed to the credit of the general revenue fund. The
105 director shall keep accurate records of the amount of money
106 in the trust fund and which was collected in each city
107 imposing a sales tax under this section, and the records
108 shall be open to the inspection of officers of the city and
109 the public. Not later than the tenth day of each month the
110 director shall distribute all moneys deposited in the trust
111 fund during the preceding month to the city which levied the
112 tax. Such funds shall be deposited with the city treasurer

113 of each such city, and all expenditures of funds arising
114 from the trust fund shall be by an appropriation act to be
115 enacted by the governing body of each such city.
116 Expenditures may be made from the fund for any functions
117 authorized in the ordinance or order adopted by the
118 governing body submitting the tax to the voters. If the tax
119 is repealed, all funds remaining in the special trust fund
120 shall continue to be used solely for the designated
121 purposes. Any funds in the special trust fund which are not
122 needed for current expenditures shall be invested in the
123 same manner as other funds are invested. Any interest and
124 moneys earned on such investments shall be credited to the
125 fund.

126 5. The director of the department of revenue may
127 authorize the state treasurer to make refunds from the
128 amounts in the trust fund and credited to any city for
129 erroneous payments and overpayments made, and may redeem
130 dishonored checks and drafts deposited to the credit of such
131 cities. If any city abolishes the tax, the city shall
132 notify the director of the action at least ninety days
133 before the effective date of the repeal, and the director
134 may order retention in the trust fund, for a period of one
135 year, of two percent of the amount collected after receipt
136 of such notice to cover possible refunds or overpayment of
137 the tax and to redeem dishonored checks and drafts deposited
138 to the credit of such accounts. After one year has elapsed
139 after the effective date of abolition of the tax in such
140 city, the director shall remit the balance in the account to
141 the city and close the account of that city. The director
142 shall notify each city of each instance of any amount
143 refunded or any check redeemed from receipts due the city.

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

149 Shall **the city of** _____ [(insert the name of the city)]
150 repeal the sales tax imposed at a rate of _____ [(insert
151 rate of percent)] percent for the purpose of improving the
152 public safety of the city?

153 YES

NO

154 If a majority of the votes cast on the proposal are in favor
155 of repeal, that repeal shall become effective on December
156 thirty-first of the calendar year in which such repeal was
157 approved. If a majority of the votes cast on the question
158 by the qualified voters voting thereon are opposed to the
159 repeal, then the sales tax authorized in this section shall
160 remain effective until the question is resubmitted under
161 this section to the qualified voters, and the repeal is
162 approved by a majority of the qualified voters voting on the
163 question.

164 7. Whenever the governing body of any city that has
165 adopted the sales tax authorized in this section receives a
166 petition, signed by ten percent of the registered voters of
167 the city voting in the last gubernatorial election, calling
168 for an election to repeal the sales tax imposed under this
169 section, the governing body shall submit to the voters of
170 the city a proposal to repeal the tax. If a majority of the
171 votes cast on the question by the qualified voters voting
172 thereon are in favor of the repeal, that repeal shall become
173 effective on December thirty-first of the calendar year in

174 which such repeal was approved. If a majority of the votes
175 cast on the question by the qualified voters voting thereon
176 are opposed to the repeal, then the tax shall remain
177 effective until the question is resubmitted under this
178 section to the qualified voters and the repeal is approved
179 by a majority of the qualified voters voting on the question.

180 8. Any sales tax imposed under this section by a city
181 described under subdivision (6) of subsection 1 of this
182 section that is in effect as of December 31, 2038, shall
183 automatically expire. No city described under subdivision
184 (6) of subsection 1 of this section shall collect a sales
185 tax pursuant to this section on or after January 1, 2039.
186 Subsection 7 of this section shall not apply to a sales tax
187 imposed under this section by a city described under
188 subdivision (6) of subsection 1 of this section.

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

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