

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 122 & 80

92ND GENERAL ASSEMBLY

0774L.02T

2003

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## AN ACT

To repeal sections 92.402 and 92.418, RSMo, and to enact in lieu thereof two new sections relating to a public mass transportation system sales tax.

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

Section A. Sections 92.402 and 92.418, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 92.402 and 92.418, to read as follows:

92.402. 1. Any city may, by a majority vote of its council or governing body, impose  
2 a sales tax for the benefit of the public mass transportation system operating within such city as  
3 provided in sections 92.400 to 92.421.

4 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the  
5 receipts from the sale at retail of all tangible personal property or taxable services at retail within  
6 any city adopting such tax, if such property and services are subject to taxation by the state of  
7 Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Seven and one-half  
8 percent of the sales tax shall be distributed to the interstate transportation authority pursuant to  
9 the provisions of section 92.421. The remainder of the tax in excess of such seven and one-half  
10 percent shall expire on December 31, [2003] **2005**, on which date the authority shall be in full  
11 compliance with handicapped accessibility pursuant to the terms of the Americans with  
12 Disabilities Act.

13 3. Within ten days after the adoption of any ordinance imposing such a sales tax, the city  
14 clerk shall forward to the director of revenue by United States registered mail or certified mail  
15 a certified copy of the ordinance of the council or governing body. The ordinance shall reflect  
16 the effective date thereof and shall be accompanied by a map of the city clearly showing the

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

17 boundaries thereof.

18           4. If the boundaries of a city in which such sales tax has been imposed shall thereafter  
19 be changed or altered, the city clerk shall forward to the director of revenue by United States  
20 registered mail or certified mail a certified copy of the ordinance adding or detaching territory  
21 from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied  
22 by a map of the city clearly showing the territory added thereto or detached therefrom. Upon  
23 receipt of the ordinance and map, the tax imposed by sections 92.400 to 92.421 shall be effective  
24 in the added territory or abolished in the detached territory on the effective date of the change  
25 of the city boundary.

          92.418. 1. All moneys received by a city imposing a sales tax [under the provisions of]  
2 **pursuant to** sections 92.400 to 92.421, less two percent for the cost of handling, which shall be  
3 deposited in the city's general fund, shall be deposited by the city treasurer, or other city officer  
4 authorized by ordinance, in a special fund to be known as the "Public Mass Transportation Trust  
5 Fund" for the primary benefit of a public mass transportation system and motor pool operations  
6 operating within the city.

7           2. The moneys in the public mass transportation trust fund accumulated by the city  
8 beyond the end of the city's fiscal year in which such funds were collected, and not needed by  
9 the city to meet its contractual obligations to an interstate transportation authority or for motor  
10 pool operations, may be appropriated and paid directly to such interstate transportation authority  
11 to be used by the interstate transportation authority for its general purposes in providing a public  
12 mass transportation system within an interstate transportation district, or the city may appropriate  
13 and expend such excess funds for the purposes set forth in section 30(a)(2), of article IV, of the  
14 Constitution of Missouri, as amended.

15           3. A city may designate by contract from time to time with an interstate transportation  
16 authority to provide specific services, frequency of service, to underwrite a certain fare structure  
17 or for any purpose consistent with providing a sound public mass transportation system to serve  
18 the city, and the city shall appropriate and pay directly to the interstate transportation authority  
19 from the public mass transportation trust fund the amounts of money that the city finds is  
20 sufficient to enable the interstate transportation authority to perform its contractual obligations  
21 to the city, **including intracommunity transit services**, or a city may appropriate and pay all  
22 of the funds on deposit in a public mass transportation trust fund directly to an interstate  
23 transportation authority to be used by such interstate transportation authority for its general  
24 purposes in providing a public mass transportation system within an interstate transportation  
25 district.

26           4. Any provisions of sections 92.400 to 92.421 to the contrary notwithstanding, seven  
27 and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421

28 that are appropriated and paid by a city to an interstate transportation authority shall be used only  
29 by the city and the interstate transportation authority for the purchase of new equipment, for the  
30 construction of public mass transportation facilities or for any other capital expenditures or  
31 improvements to the property of the interstate transportation authority, or to pay the interest or  
32 principal payments or to satisfy sinking fund requirements on any negotiable notes or bonds or  
33 other instruments in writing issued by the interstate transportation authority for any of the above  
34 purposes.

35         5. Ninety-two and one-half percent of the proceeds of any sales tax imposed under  
36 sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation  
37 authority shall be used to supply funds to be applied to the expenses of the organization and costs  
38 of operation of the public mass transportation system and the facilities thereof, and may be used  
39 to supply additional funds for capital expenditures as set forth in subsection 4 of this section.

40         6. Transportation authorities operating a public mass transportation system under  
41 sections 92.400 to 92.421 may provide for interior and exterior advertising on each vehicle for  
42 mass transportation purposes.

43         7. Transportation authorities operating a public mass transportation system under  
44 sections 92.400 to 92.421 shall set and attain goals for the inclusion of minority business  
45 enterprises as defined in section 33.750, RSMo, for contracts in operating motor pools,  
46 construction, repairs and related projects for the public mass transportation system. The  
47 attainment of such goals on these contracts shall be based on the availability of minority-owned  
48 businesses operating within the city that perform the services for which such contract is to be  
49 awarded.