

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 758
92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government April 28, 2004, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2524L.04C

AN ACT

To repeal sections 67.1360, 67.2015, and 94.270, RSMo, and to enact in lieu thereof three new sections relating to local taxes, with an emergency clause.

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

Section A. Sections 67.1360, 67.2015, and 94.270, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.578, 67.1360, and 94.270, to read as follows:

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section unless the governing authority submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

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 proposed language.

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

16 **"Shall the county of (insert the name of the county) impose a sales tax of**
17 **..... (insert rate of percent) percent for the funding of museums? "Museums" means**
18 **museums operating in the county, which are registered with the United States Internal**
19 **Revenue Service as a 501(c)(3) corporation and which are considered by the museum board**
20 **to be a tourism attraction."**

21 ☐ **Yes**

☐ **No**

22
23 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**
24 **opposed to the question, place an "X" in the box opposite "NO".**

25
26 **If a majority of the votes cast on the proposal by the qualified voters voting thereon are in**
27 **favor of the proposal, then the sales tax shall become effective on the first day of the second**
28 **calendar quarter after the director of revenue receives notice of the adoption of the tax.**
29 **If the proposal receives less than the required majority of votes, then the governing**
30 **authority shall have no power to impose the tax unless and until the governing authority**
31 **has again submitted another proposal to authorize the governing authority to impose the**
32 **sales tax authorized by this section and such proposal is approved by the required majority**
33 **of the qualified voters voting thereon.**

34 **3. On or after the effective date of the tax, the director of revenue shall be**
35 **responsible for the administration, collection, enforcement, and operation of the tax, and**
36 **sections 32.085 and 32.087, RSMo, shall apply. The director may retain an amount not to**
37 **exceed one percent for deposit in the general revenue fund to offset the costs of collection.**
38 **In order to permit sellers required to collect and report the sales tax to collect the amount**
39 **required to be reported and remitted, but not to change the requirements of reporting or**
40 **remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies,**
41 **the governing authority may authorize the use of a bracket system similar to that**
42 **authorized in section 144.285, RSMo, and notwithstanding the provisions of that section,**
43 **this new bracket system shall be used where this tax is imposed and shall apply to all**
44 **taxable transactions. Beginning with the effective date of the tax, every retailer in the**
45 **county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser**
46 **to the retailer until paid, and shall be recoverable at law in the same manner as the**
47 **purchase price. For purposes of this section, all retail sales shall be deemed to be**
48 **consummated at the place of business of the retailer.**

49 **4. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the**
50 **state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply**
51 **to the collection of the tax, and all exemptions granted to agencies of government,**
52 **organizations, and persons pursuant to sections 144.010 to 144.525, RSMo, are hereby**
53 **made applicable to the imposition and collection of the tax. The same sales tax permit,**
54 **exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo,**
55 **for the administration and collection of the state sales tax shall satisfy the requirements of**
56 **this section, and no additional permit or exemption certificate or retail certificate shall be**
57 **required; except that, the director of revenue may prescribe a form of exemption certificate**
58 **for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales**
59 **tax law for the collection of and for payment of taxes are hereby allowed and made**
60 **applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and**
61 **sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section.**
62 **If any person is delinquent in the payment of the amount required to be paid pursuant to**
63 **this section, or in the event a determination has been made against the person for taxes and**
64 **penalty pursuant to this section, the limitation for bringing suit for the collection of the**
65 **delinquent tax and penalty shall be the same as that provided in sections 144.010 to**
66 **144.525, RSMo.**

67 **5. The governing authority may authorize any museum board already existing in**
68 **the county, or may establish a museum board, to expend revenue collected pursuant to this**
69 **section. In the event that no museum board already exists, the board established pursuant**
70 **to this section shall consist of six members who are appointed by the governing authority**
71 **from a list of candidates supplied by the chair of each of the two major political parties of**
72 **the county, with three members from each of the two parties. Members shall serve for**
73 **three-year terms, but of the members first appointed, one shall be appointed for a term of**
74 **one year, two shall be appointed for a term of two years, and two shall be appointed for a**
75 **term of three years. Each member shall be a resident of the county. The members shall**
76 **not receive compensation for service on the board, but shall be reimbursed from the**
77 **revenues collected pursuant to this section for any reasonable and necessary expenses**
78 **incurred in service on the board. The board shall determine in what manner the revenues**
79 **will be expended, and disbursements of these moneys shall be made strictly in accordance**
80 **with this section. Expenditures may be made for the employment of personnel selected by**
81 **the board to assist in carrying out the duties of the board, and the board is expressly**
82 **authorized to employ such personnel.**

83 **6. The governing authority may submit the question of repeal of the tax to the**
84 **voters at any county or state general, primary, or special election. The ballot of submission**
85 **shall contain, but need not be limited to, the following language:**

86 **Shall the county of (insert name of county) repeal the sales tax of**
87 **(insert rate of percent) percent for the funding of museums?**

88 ☐ **Yes** ☐ **No**

89

90 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**
91 **opposed to the question, place an "X" in the box opposite "NO".**

92

93 **If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall**
94 **become effective on December thirty-first of the calendar year in which the repeal was**
95 **approved.**

67.1360. The governing body of:

2 (1) A city with a population of more than seven thousand and less than seven thousand
3 five hundred;

4 (2) A county with a population of over nine thousand six hundred and less than twelve
5 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county
6 submits the issue to the voters of such county prior to January 1, 2003;

7 (3) A third class city which is the county seat of a county of the third classification
8 without a township form of government with a population of at least twenty-five thousand but
9 not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

18 (6) Any city having a population of less than two hundred fifty inhabitants in a county
19 of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

- 23 (8) Any third class city with a population of more than three thousand two hundred but
24 less than three thousand three hundred located in a county of the third classification having a
25 population of more than thirty-five thousand but less than thirty-six thousand;
- 26 (9) Any county of the second classification without a township form of government and
27 a population of less than thirty thousand;
- 28 (10) Any city of the fourth class in a county of the second classification without a
29 township form of government and a population of less than thirty thousand;
- 30 (11) Any county of the third classification with a township form of government and a
31 population of at least twenty-eight thousand but not more than thirty thousand;
- 32 (12) Any city of the fourth class with a population of more than one thousand eight
33 hundred but less than two thousand in a county of the third classification with a township form
34 of government and a population of at least twenty-eight thousand but not more than thirty
35 thousand;
- 36 (13) Any city of the third class with a population of more than seven thousand two
37 hundred but less than seven thousand five hundred within a county of the third classification with
38 a population of more than twenty-one thousand but less than twenty-three thousand;
- 39 (14) Any fourth class city having a population of more than two thousand eight hundred
40 but less than three thousand one hundred inhabitants in a county of the third classification with
41 a township form of government having a population of more than eight thousand four hundred
42 but less than nine thousand inhabitants;
- 43 (15) Any fourth class city with a population of more than four hundred seventy but less
44 than five hundred twenty inhabitants located in a county of the third classification with a
45 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 46 (16) Any third class city with a population of more than three thousand eight hundred
47 but less than four thousand inhabitants located in a county of the third classification with a
48 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 49 (17) Any fourth class city with a population of more than four thousand three hundred
50 but less than four thousand five hundred inhabitants located in a county of the third classification
51 without a township form of government with a population greater than sixteen thousand but less
52 than sixteen thousand two hundred inhabitants;
- 53 (18) Any fourth class city with a population of more than two thousand four hundred but
54 less than two thousand six hundred inhabitants located in a county of the first classification
55 without a charter form of government with a population of more than fifty-five thousand but less
56 than sixty thousand inhabitants;
- 57 (19) Any fourth class city with a population of more than two thousand five hundred but
58 less than two thousand six hundred inhabitants located in a county of the third classification with

59 a population of more than nineteen thousand one hundred but less than nineteen thousand two
60 hundred inhabitants;

61 (20) Any county of the third classification without a township form of government with
62 a population greater than sixteen thousand but less than sixteen thousand two hundred
63 inhabitants;

64 (21) Any county of the second classification with a population of more than forty-four
65 thousand but less than fifty thousand inhabitants;

66 (22) Any third class city with a population of more than nine thousand five hundred but
67 less than nine thousand seven hundred inhabitants located in a county of the first classification
68 without a charter form of government and with a population of more than one hundred
69 ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

70 (23) Any city of the fourth classification with more than five thousand two hundred but
71 less than five thousand three hundred inhabitants located in a county of the third classification
72 without a township form of government and with more than twenty-four thousand five hundred
73 but less than twenty-four thousand six hundred inhabitants; [or]

74 (24) Any third class city with a population of more than nineteen thousand nine hundred
75 but less than twenty thousand in a county of the first classification without a charter form of
76 government and with a population of more than one hundred ninety-eight thousand but less than
77 one hundred ninety-eight thousand two hundred inhabitants;

78 **(25) Any city of the fourth classification with more than five thousand four**
79 **hundred but fewer than five thousand five hundred inhabitants and located in more than**
80 **one county;**

81 **(26) Any city of the fourth classification with more than six thousand three**
82 **hundred but fewer than six thousand five hundred inhabitants and located in more than**
83 **one county;**

84 **(27) Any city of the fourth classification with more than seven thousand seven**
85 **hundred but less than seven thousand eight hundred inhabitants located in a county of the**
86 **first classification with more than ninety-three thousand eight hundred but less than**
87 **ninety-three thousand nine hundred inhabitants;**

88 **(28) Any city of the fourth classification with more than two thousand nine**
89 **hundred but less than three thousand inhabitants located in a county of the first**
90 **classification with more than seventy-three thousand seven hundred but less than**
91 **seventy-three thousand eight hundred inhabitants; or**

92 **(29) Any city of the third classification with more than nine thousand three**
93 **hundred but less than nine thousand four hundred inhabitants;**
94

95 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,
96 motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to
97 recreational boats which are used by transients for sleeping, which shall be at least two percent,
98 but not more than five percent per occupied room per night, except that such tax shall not
99 become effective unless the governing body of the city or county submits to the voters of the city
100 or county at a state general, primary or special election, a proposal to authorize the governing
101 body of the city or county to impose a tax pursuant to the provisions of this section and section
102 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
103 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
104 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
105 of tourism. Such tax shall be stated separately from all other charges and taxes.

94.270. 1. The mayor and board of aldermen shall have power and authority to regulate
2 and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers,
3 banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants,
4 butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables,
5 bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings,
6 public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public
7 lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture
8 shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile
9 agents, gas companies, insurance companies, insurance agents, express companies, and express
10 agents, telegraph companies, light, power and water companies, telephone companies,
11 manufacturing and other corporations or institutions, automobile agencies, and dealers, public
12 garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline
13 filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined,
14 soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling
15 and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix
16 the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and
17 suppress ordinaries, money brokers, money changers, intelligence and employment offices and
18 agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol
19 galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian
20 performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying
21 glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other
22 exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales
23 of unclaimed goods by express companies or common carriers, auto wrecking shops and junk
24 dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others
25 pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to

26 regulate, license and restrain runners for steamboats, cars, and public houses; and to license
27 ferries, and to regulate the same and the landing thereof within the limits of the city, and to
28 license and tax auto liveries, auto drays and jitneys.

29 **2. Notwithstanding any other law to the contrary, no city of the fourth classification**
30 **with more than eight hundred but less than nine hundred inhabitants and located in any**
31 **county with a charter form of government and with more than one million inhabitants**
32 **shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-one**
33 **dollars and fifty cents per room per year. No hotel or motel in such city shall be required**
34 **to pay a license fee in excess of such amount, and any license fee in such city that exceeds**
35 **the limitation of this subsection shall be automatically reduced to comply with this**
36 **subsection.**

37 **3. Notwithstanding any other law to the contrary, no city of the fourth classification**
38 **with more than four thousand one hundred but less than four thousand two hundred**
39 **inhabitants and located in any county with a charter form of government and with more**
40 **than one million inhabitants shall levy or collect a license fee on hotels or motels in an**
41 **amount in excess of eleven dollars per room per year. No hotel or motel in such city shall**
42 **be required to pay a license fee in excess of such amount, and any license fee in such city**
43 **that exceeds the limitation of this subsection shall be automatically reduced to comply with**
44 **this subsection.**

2 [67.2015. 1. The governing body of any county of the third classification
3 without a township form of government and with more than eight thousand three
4 hundred but less than eight thousand four hundred inhabitants may impose, by
5 ordinance or order, a surcharge on the sale of each ticket or other charge allowing
6 admission to or participation in any private tourist attraction and on the daily rental
7 of rooms or accommodations paid by transient guests of hotels, motels or
8 campgrounds, as defined in section 94.802, RSMo, in such county, at a rate not to
9 exceed five percent of such admission or amount. For purposes of this section,
10 "private tourist attraction" means:

- 11 (1) Organized trail rides; and
12 (2) Canoe rentals.

13 Attractions operating on an occasional or intermittent basis for fund-raising purposes
14 by nonprofit charitable organizations whose ordinary activities do not involve the
15 operation of such attractions shall be exempt from the surcharge imposed by this
16 section.

17 2. Every retailer, vendor, operator, and other person who sells goods and
18 services subject to the surcharge imposed pursuant to this section shall be liable and
19 responsible for the payment of surcharges due and shall make a return and remit such
20 surcharges to the county, at such times and in such manner as the governing body of
21 the county shall prescribe. The collection of the surcharges imposed by this section

shall be computed in accordance with schedules or systems approved by the governing body of the county.

3. All surcharges authorized and collected under this section shall be deposited by the county in a special trust fund to be known as the "County Tourism Surcharge Trust Fund". The moneys in such fund shall not be commingled with any funds of the county. Moneys in the fund shall be used solely by the county for the promotion of tourism within the county. The surcharge authorized by this section shall be in addition to any and all other taxes allowed by law, but no order imposing a surcharge pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county at a county or state general, primary, or special election a proposal to authorize the governing body of the county to impose such surcharge.

4. The ballot of submission shall contain, but need not be limited to:

Shall the county of (insert name of county) impose a surcharge of (insert rate of tax) percent on the sales, charges or admissions on all hotels, motels or campgrounds rented for thirty days or less, and on the sales, charges or admissions to all private tourist attractions 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 order imposing the surcharge shall be effective. If a majority of the votes cast by the qualified voters voting on the proposal are opposed to the proposal, then the governing body of the county shall have no power to impose the surcharge authorized in this section unless and until the governing body of the county again submits another proposal to authorize the governing body of the county to impose the surcharge authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon.

5. The surcharge authorized by this section shall become effective within ninety days from the date such surcharges are approved by the voters of the county pursuant to this section. After the effective date of any surcharge imposed by this section, the county shall perform all functions incident to the administration, collection, enforcement, and operation of the surcharge. The surcharge imposed by this section shall be reported upon such forms as may be prescribed by the governing body of the county.]

Section B. Because immediate action is necessary to raise immediate additional revenue

for local government, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.