

FIRST REGULAR SESSION

HOUSE BILL NO. 1184

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOEHNER.

2463L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to regional taxing districts.

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 67.2800, to read as follows:

67.2800. 1. This section shall be known as the "Regional Taxing District Act".

2. As used in this section, "business district" means any special business district established under sections 71.790 to 71.808, RSMo.

3. Whenever at least ten percent of the residents in each county surrounding any business district desire to create a regional taxing district, the residents shall file a petition with the governing body of each county located within the boundaries of the proposed taxing district requesting the creation of the district. The district boundaries shall include the county in which the business district is located and all of the counties surrounding such county. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

4. Upon the filing of a petition under this section, the governing body of each county within the proposed district may, by resolution, approve the creation of a district.

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

17 Any resolution to establish such a district shall be adopted by the governing body of each
18 county located within the proposed district, and shall contain the following information:

19 (1) A description of the boundaries of the proposed district;

20 (2) The time and place of a hearing to be held to consider establishment of the
21 proposed district;

22 (3) The proposed sales tax rate to be voted on within the proposed district; and

23 (4) The proposed uses for the revenue generated by the new sales tax.

24 5. Whenever a hearing is held as provided by this section, the governing body of
25 each county located within the proposed district shall:

26 (1) Publish notice of the hearing on two separate occasions in at least one
27 newspaper of general circulation in each county located within the proposed district, with
28 the first publication to occur not more than thirty days before the hearing, and the second
29 publication to occur not more than fifteen days or less than ten days before the hearing;

30 (2) Hear all protests and receive evidence for or against the establishment of the
31 proposed district; and

32 (3) Rule upon all protests, which determinations shall be final.

33 6. Following the hearing, if the governing body of each county located within the
34 proposed district decides to establish the proposed district, it shall adopt an order to that
35 effect. If the governing body of any county located within the proposed district decides to
36 not establish the proposed district, the boundaries of the proposed district shall not include
37 that county. The order shall contain the following:

38 (1) The description of the boundaries of the district;

39 (2) A statement that a regional taxing district has been established;

40 (3) The name of the district;

41 (4) The uses for any revenue generated by a sales tax imposed under this section;

42 and

43 (5) A declaration that the district is a political subdivision of the state.

44 7. No resolution adopted under this section shall become effective until the
45 governing body of each county within the proposed district submits to the voters residing
46 within the county at a state general, primary, or special election a proposal to authorize the
47 governing body of the county to join the proposed district and to impose a sales tax of one
48 percent on all retail sales within the district that are subject to taxation under sections
49 144.010 to 144.525, RSMo, to be divided in equal amounts to each county in the district for
50 local uses as determined by each governing body of each county. If a majority of the votes
51 cast in any county that is part of the proposed district favor the proposal, then that county
52 shall be part of the district and the sales tax shall become effective in that county on the

53 first day of the first calendar quarter immediately following the election. If a majority of
54 the votes cast in any county that is a part of the proposed district oppose the proposal, then
55 that county shall not be part of the district and shall not impose the sales tax authorized
56 in this section until after the county governing body has submitted another such proposal
57 and the proposal is approved by a majority of the qualified voters voting thereon. If a
58 proposal is not approved, the governing body of the county shall not resubmit a proposal
59 to the voters under this section sooner than twelve months from the date of the last
60 proposal submitted under this section. If the qualified voters in two or more counties that
61 have contiguous districts approve the sales tax proposal, the districts shall combine to
62 become one district.

63 8. All revenue collected under this section by the director of the department of
64 revenue on behalf of any district, except for one percent for the cost of collection which
65 shall be deposited in the state's general revenue fund, shall be deposited in a special trust
66 fund, which is hereby created and shall be known as the "Regional Taxing District Sales
67 Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall
68 not be deemed to be state funds, and shall not be commingled with any funds of the state.
69 The director may make refunds from the amounts in the fund and credited to the district
70 for erroneous payments and overpayments made, and may redeem dishonored checks and
71 drafts deposited to the credit of such district. Any funds in the special fund which are not
72 needed for current expenditures shall be invested in the same manner as other funds are
73 invested. Any interest and moneys earned on such investments shall be credited to the
74 fund.

75 9. The governing body of any district that has adopted the sales tax authorized in
76 this section may submit the question of repeal of the tax to the voters on any date available
77 for elections for the district. If a majority of the votes cast on the question by the qualified
78 voters voting thereon are in favor of the repeal, that repeal shall become effective on
79 December thirty-first of the calendar year in which such repeal was approved. If a
80 majority of the votes cast on the question by the qualified voters voting thereon are
81 opposed to the repeal, then the sales tax authorized in this section shall remain effective
82 until the question is resubmitted under this section to the qualified voters and the repeal
83 is approved by a majority of the qualified voters voting on the question.

84 10. Whenever the governing body of any district that has adopted the sales tax
85 authorized in this section receives a petition, signed by a number of registered voters of the
86 district equal to at least ten percent of the number of registered voters of the district voting
87 in the last gubernatorial election, calling for an election to repeal the sales tax imposed
88 under this section, the governing body shall submit to the voters of the district a proposal

89 to repeal the tax. If a majority of the votes cast on the question by the qualified voters
90 voting thereon are in favor of the repeal, the repeal shall become effective on December
91 thirty-first of the calendar year in which such repeal was approved. If a majority of the
92 votes cast on the question by the qualified voters voting thereon are opposed to the repeal,
93 then the sales tax authorized in this section shall remain effective until the question is
94 resubmitted under this section to the qualified voters and the repeal is approved by a
95 majority of the qualified voters voting on the question.

96 11. If the tax is repealed or terminated by any means, all funds remaining in the
97 special trust fund shall continue to be used solely for the designated purposes, and the
98 district shall notify the director of the department of revenue of the action at least ninety
99 days before the effective date of the repeal and the director may order retention in the trust
100 fund, for a period of one year, of two percent of the amount collected after receipt of such
101 notice to cover possible refunds or overpayment of the tax and to redeem dishonored
102 checks and drafts deposited to the credit of such accounts. After one year has elapsed after
103 the effective date of abolition of the tax in such district, the director shall remit the balance
104 in the account to the district and close the account of that district. The director shall notify
105 each district of each instance of any amount refunded or any check redeemed from receipts
106 due the district.

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