

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1179 & 1765, Page 1, in the Title , Lines
2 3-4, by deleting the words "on places of amusement, entertainment, recreation, games, athletic
3 events, and manufactured homes"; and
4

5 Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the
6 following:
7

8 "94.902. 1. (1) The governing body of the following cities may impose a sales tax as
9 provided in this section:

10 (a) Any city of the third classification with more than twenty-six thousand three hundred but
11 less than twenty-six thousand seven hundred inhabitants[, or];

12 (b) Any city of the fourth classification with more than thirty thousand three hundred but
13 fewer than thirty thousand seven hundred inhabitants[, or];

14 (c) Any city of the fourth classification with more than twenty-four thousand eight hundred
15 but fewer than twenty-five thousand inhabitants[.];

16 (d) Any city of the third classification with more than four thousand but fewer than four
17 thousand five hundred inhabitants and located in any county of the first classification with more than
18 two hundred thousand but fewer than two hundred sixty thousand inhabitants.

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

30 2. The ballot of submission for the tax authorized in this section shall be in substantially the
31 following form:

Action Taken _____ Date _____

1 Shall the city of (city's name) impose a citywide sales tax at a rate
 2 of (insert rate of percent) percent for the purpose of improving the public safety of the city?

3 ☐ YES ☐ NO

4
 5 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 6 the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal
 7 by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and
 8 any amendments to the order or ordinance shall become effective on the first day of the second
 9 calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a
 10 majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the
 11 proposal, then the tax shall not become effective unless the proposal is resubmitted under this section
 12 to the qualified voters and such proposal is approved by a majority of the qualified voters voting on
 13 the proposal. However, in no event shall a proposal under this section be submitted to the voters
 14 sooner than twelve months from the date of the last proposal under this section.

15 3. Any sales tax imposed under this section shall be administered, collected, enforced, and
 16 operated as required in section 32.087. All sales taxes collected by the director of the department of
 17 revenue under this section on behalf of any city, less one percent for cost of collection which shall be
 18 deposited in the state's general revenue fund after payment of premiums for surety bonds as provided
 19 in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state
 20 treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund
 21 shall not be deemed to be state funds and shall not be commingled with any funds of the state. The
 22 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be
 23 transferred and placed to the credit of the general revenue fund. The director shall keep accurate
 24 records of the amount of money in the trust fund and which was collected in each city imposing a
 25 sales tax under this section, and the records shall be open to the inspection of officers of the city and
 26 the public. Not later than the tenth day of each month the director shall distribute all moneys
 27 deposited in the trust fund during the preceding month to the city which levied the tax. Such funds
 28 shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from
 29 the trust fund shall be by an appropriation act to be enacted by the governing body of each such city.
 30 Expenditures may be made from the fund for any functions authorized in the ordinance or order
 31 adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds
 32 remaining in the special trust fund shall continue to be used solely for the designated purposes. Any
 33 funds in the special trust fund which are not needed for current expenditures shall be invested in the
 34 same manner as other funds are invested. Any interest and moneys earned on such investments shall
 35 be credited to the fund.

36 4. The director of the department of revenue may authorize the state treasurer to make
 37 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
 38 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such
 39 cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days
 40 before the effective date of the repeal, and the director may order retention in the trust fund, for a
 41 period of one year, of two percent of the amount collected after receipt of such notice to cover

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

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

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

☐ YES

☐ NO

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

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

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.