

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1485, Page 1, Section A, Line 2, by inserting the following after all of said
2 line:

3
4 "94.902. 1. The governing bodies of the following cities may impose a tax as provided in
5 this section:

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

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

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

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

14 (5) Any city of the third classification with more than four thousand but fewer than four
15 thousand five hundred inhabitants and located in any county of the first classification with more
16 than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

17 (6) Any city of the fourth classification with more than nine thousand five hundred but
18 fewer than ten thousand eight hundred inhabitants; [Ø]

19 (7) Any city of the fourth classification with more than five hundred eighty but fewer than
20 six hundred fifty inhabitants; or

21 (8) Any city of the fourth classification with more than two thousand seven hundred but
22 fewer than three thousand inhabitants.

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

Action Taken _____ Date _____

1 at a county or state general, primary, or special election, a proposal to authorize the governing body
2 of the city to impose a tax under this section.

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

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

7 ☐ YES ☐ NO

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

10
11 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
12 the proposal, then the ordinance or order and any amendments to the order or ordinance shall
13 become effective on the first day of the second calendar quarter after the director of revenue
14 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the
15 qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective
16 unless the proposal is resubmitted under this section to the qualified voters and such proposal is
17 approved by a majority of the qualified voters voting on the proposal. However, in no event shall a
18 proposal under this section be submitted to the voters sooner than twelve months from the date of
19 the last proposal under this section.

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

41 5. The director of the department of revenue may authorize the state treasurer to make

refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a 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.

6. 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.

7. 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.

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

9. The governing body of any city that has adopted the sales tax authorized under this section shall submit the question of the continuation of the tax to the voters ten years from the date of its inception and every ten years thereafter on a date available for elections for the city. The

1 ballot language shall be in substantially the following form:

2
3 Shall (insert name of city) continue collecting a sales tax imposed at a rate of
4 (insert rate) percent for the purpose of improving the public safety of the city?

5
6 ☐ YES ☐ NO

7
8 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to
9 continuation, the repeal shall become effective on December thirty-first of the calendar year in
10 which such continuation failed to be approved. If a majority of the votes cast on the question by the
11 qualified voters voting thereon are in favor of continuation, then the sales tax authorized under this
12 section shall remain effective until the question is resubmitted under this section to the qualified
13 voters and continuation fails to be approved by a majority of the qualified voters voting on the
14 question.

15 ~~[9:]~~ 10. Except as modified in this section, all provisions of sections 32.085 and 32.087
16 shall apply to the tax imposed under this section."; and

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.