House _____ **Amendment NO.**____

Offered By

_____   _____

1 AMEND House Bill No. 1700, Page 1, Section A, Line 2, by inserting after said section and line the
2 following:
3   "94.838. 1. As used in this section, the following terms mean:
4   (1) "Food", all articles commonly used for food or drink, including alcoholic beverages, the
5 provisions of chapter 311 notwithstanding;
6   (2) "Food establishment", any cafe, cafeteria, lunchroom, or restaurant which sells food at
7 retail;
8   (3) "Municipality", any village or fourth class city with more than two hundred but less than
9 three hundred inhabitants and located in any county of the third classification with a township form
10 of government and with more than twelve thousand five hundred but less than twelve thousand six
11 hundred inhabitants;
12   (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or motel
13 for thirty-one days or less during any calendar quarter.
14   2. The governing body of any municipality may impose, by order or ordinance:
15   (1) A tax, not to exceed six percent per room per night, on the charges for all sleeping rooms
16 paid by the transient guests of hotels or motels situated in the municipality or a portion thereof; and
17   (2) A tax, not to exceed [two] six percent, on the gross receipts derived from the retail sales
18 of food by every person operating a food establishment in the municipality.
19
20 The taxes shall be imposed solely for [the purpose of funding the construction, maintenance, and
21 operation of capital improvements] general revenue purposes. The order or ordinance shall not
22 become effective unless the governing body of the municipality submits to the voters of the
23 municipality at a state general or primary election a proposal to authorize the governing body of the
24 municipality to impose taxes under this section. The taxes authorized in this section shall be in
25 addition to the charge for the sleeping room, the retail sales of food at a food establishment, and all
26 other taxes imposed by law, and shall be stated separately from all other charges and taxes.
27   3. The ballot of submission for the taxes authorized in this section shall be in substantially
28 the following form:
29   Shall _____ (insert the name of the municipality) impose a tax on the charges for all
30   retail sales of food at a food establishment situated in _____ (name of municipality)
31   at a rate of _____ (insert rate of percent) percent, and for all sleeping rooms paid by
32   the transient guests of hotels and motels situated in _____ (name of municipality) at
33   a rate of _____ (insert rate of percent) percent, solely for the purpose of [funding the
34   construction, maintenance, and operation of capital improvements] increasing
35   general revenue funds?
36   □ YES □ NO

Action Taken_____ Date _____

1
2 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
3 the question, then the taxes shall become effective on the first day of the second calendar quarter
4 after the director of revenue receives notice of the adoption of the taxes. If a majority of the votes
5 cast on the question by the qualified voters voting thereon are opposed to the question, then the
6 taxes shall not become effective unless and until the question is resubmitted under this section to the
7 qualified voters and such question is approved by a majority of the qualified voters voting on the
8 question.
9   4. Any tax on the retail sales of food imposed under this section shall be administered,
10 collected, enforced, and operated as required in section 32.087, and any transient guest tax imposed
11 under this section shall be administered, collected, enforced, and operated by the municipality
12 imposing the tax. All revenue generated by the tax shall be deposited in a special trust fund and
13 shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
14 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
15 special trust fund which are not needed for current expenditures may be invested in the same
16 manner as other funds are invested. Any interest and moneys earned on such investments shall be
17 credited to the fund.
18   5. Once the initial bonds, if any, have been satisfied, then the governing body of any
19 municipality that has adopted the taxes authorized in this section may submit the question of repeal
20 of the taxes to the voters on any date available for elections for the municipality. The ballot of
21 submission shall be in substantially the following form:
22   Shall _____ (insert the name of the municipality) repeal the taxes imposed at the
23   rates of _____ (insert rate of percent) and _____ (insert rate of percent) percent for
24   the purpose of [funding the construction, maintenance, and operation of capital
25   improvements] increasing general revenue funds?
26   □ YES □ NO
27
28 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
29 effective on December thirty-first of the calendar year in which such repeal was approved. If a
30 majority of the votes cast on the question by the qualified voters voting thereon are opposed to the
31 repeal, then the tax authorized in this section shall remain effective until the question is resubmitted
32 under this section to the qualified voters, and the repeal is approved by a majority of the qualified
33 voters voting on the question.
34   6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body of
35 any municipality that has adopted the taxes authorized in this section receives a petition, signed by
36 ten percent of the registered voters of the municipality voting in the last gubernatorial election,
37 calling for an election to repeal the taxes imposed under this section, the governing body shall
38 submit to the voters of the municipality a proposal to repeal the taxes. If a majority of the votes cast
39 on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall
40 become effective on December thirty-first of the calendar year in which such repeal was approved.
41 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to
42 the repeal, then the tax shall remain effective until the question is resubmitted under this section to
43 the qualified voters and the repeal is approved by a majority of the qualified voters voting on the
44 question."; and
45
46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.