

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 71, Page 7, Section 87.260, Line 20, by inserting after all of said section and line the  
3 following:  
4

5 "94.838. 1. As used in this section, the following terms mean:

6 (1) "Food", all articles commonly used for food or drink, including alcoholic beverages, the  
7 provisions of chapter 311 notwithstanding;

8 (2) "Food establishment", any cafe, cafeteria, lunchroom, or restaurant which sells food at  
9 retail;

10 (3) "Municipality", any ~~village or fourth class city with more than two hundred but less~~  
11 ~~than three hundred inhabitants and located in any county of the third classification with a township~~  
12 ~~form of government and with more than twelve thousand five hundred but less than twelve thousand~~  
13 ~~six hundred inhabitants]~~ city with more than one hundred sixty-five but fewer than one hundred  
14 eighty-five inhabitants and located in a county with more than eleven thousand but fewer than  
15 twelve thousand five hundred inhabitants and with a county seat with more than four thousand but  
16 fewer than five thousand inhabitants;

17 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or motel  
18 for thirty-one days or less during any calendar quarter.

19 2. (1) The governing body of any municipality may impose, by order or ordinance:

20 [(4)] (a) A tax, not to exceed six percent per room per night, on the charges for all sleeping  
21 rooms paid by the transient guests of hotels or motels situated in the municipality or a portion  
22 thereof; and

23 [(2)] (b) A tax, not to exceed two percent, on the gross receipts derived from the retail sales  
24 of food by every person operating a food establishment in the municipality.

25 (2) The taxes shall be imposed ~~[solely]~~ for the ~~[purpose]~~ purposes of funding the  
26 construction, maintenance, and operation of capital improvements, emergency services, and public  
27 safety. The order or ordinance shall not become effective unless the governing body of the  
28 municipality submits to the voters of the municipality at a state general or primary election a  
29 proposal to authorize the governing body of the municipality to impose taxes under this section.

30 The taxes authorized in this section shall be in addition to the charge for the sleeping room, the retail

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 sales of food at a food establishment, and all other taxes imposed by law, and shall be stated  
 2 separately from all other charges and taxes.

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

Shall \_\_\_\_\_ (insert the name of the municipality) impose a tax on the  
 charges for all retail sales of food at a food establishment situated in  
 \_\_\_\_\_ (name of municipality) at a rate of \_\_\_\_\_ (insert rate of  
 percent) percent, and for all sleeping rooms paid by the transient  
 guests of hotels and motels situated in \_\_\_\_\_ (name of municipality)  
 at a rate of \_\_\_\_\_ (insert rate of percent) percent, [~~solely~~]  
 [purpose] purposes of funding the construction, maintenance, and  
 operation of capital improvements, emergency services, and public  
safety?

☐ YES

☐ NO

5  
 6 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
 7 the question, then the taxes shall become effective on the first day of the second calendar quarter  
 8 after the director of revenue receives notice of the adoption of the taxes. If a majority of the votes  
 9 cast on the question by the qualified voters voting thereon are opposed to the question, then the  
 10 taxes shall not become effective unless and until the question is resubmitted under this section to the  
 11 qualified voters and such question is approved by a majority of the qualified voters voting on the  
 12 question.

13 4. Any tax on the retail sales of food imposed under this section shall be administered,  
 14 collected, enforced, and operated as required in section 32.087, and any transient guest tax imposed  
 15 under this section shall be administered, collected, enforced, and operated by the municipality  
 16 imposing the tax. All revenue generated by the tax shall be deposited in a special trust fund and  
 17 shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the  
 18 special trust fund shall continue to be used solely for the designated purposes. Any funds in the  
 19 special trust fund which are not needed for current expenditures may be invested in the same  
 20 manner as other funds are invested. Any interest and moneys earned on such investments shall be  
 21 credited to the fund.

22 5. Once the initial bonds, if any, have been satisfied, then the governing body of any  
 23 municipality that has adopted the taxes authorized in this section may submit the question of repeal  
 24 of the taxes to the voters on any date available for elections for the municipality. The ballot of  
 25 submission shall be in substantially the following form:

Shall \_\_\_\_\_ (insert the name of the municipality) repeal the taxes  
 imposed at the rates of \_\_\_\_\_ (insert rate of percent) and \_\_\_\_\_  
 (insert rate of percent) percent for the [~~purpose~~] purposes of funding  
 the construction, maintenance, and operation of capital improvements,  
emergency services, and public safety?

☐ YES☐ NO

1  
2 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
3 effective on December thirty-first of the calendar year in which such repeal was approved. If a  
4 majority of the votes cast on the question by the qualified voters voting thereon are opposed to the  
5 repeal, then the tax authorized in this section shall remain effective until the question is resubmitted  
6 under this section to the qualified voters, and the repeal is approved by a majority of the qualified  
7 voters voting on the question.

8         6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body of  
9 any municipality that has adopted the taxes authorized in this section receives a petition, signed by  
10 ten percent of the registered voters of the municipality voting in the last gubernatorial election,  
11 calling for an election to repeal the taxes imposed under this section, the governing body shall  
12 submit to the voters of the municipality a proposal to repeal the taxes. If a majority of the votes cast  
13 on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall  
14 become effective on December thirty-first of the calendar year in which such repeal was approved.  
15 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to  
16 the repeal, then the tax shall remain effective until the question is resubmitted under this section to  
17 the qualified voters and the repeal is approved by a majority of the qualified voters voting on the  
18 question.

19         94.900. 1. (1) The governing body of the following cities may impose a tax as provided in  
20 this section:

21         (a) Any city of the third classification with more than ten thousand eight hundred but less  
22 than ten thousand nine hundred inhabitants located at least partly within a county of the first  
23 classification with more than one hundred eighty-four thousand but less than one hundred eighty-  
24 eight thousand inhabitants;

25         (b) Any city of the fourth classification with more than four thousand five hundred but  
26 fewer than five thousand inhabitants;

27         (c) Any city of the fourth classification with more than eight thousand nine hundred but  
28 fewer than nine thousand inhabitants;

29         (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine  
30 thousand inhabitants;

31         (e) Any home rule city with more than seventy-three thousand but fewer than seventy-five  
32 thousand inhabitants;

33         (f) Any city of the fourth classification with more than thirteen thousand five hundred but  
34 fewer than sixteen thousand inhabitants;

35         (g) Any city of the fourth classification with more than seven thousand but fewer than eight  
36 thousand inhabitants;

1 (h) Any city of the fourth classification with more than four thousand but fewer than four  
2 thousand five hundred inhabitants and located in any county of the first classification with more  
3 than one hundred fifty thousand but fewer than two hundred thousand inhabitants;

4 (i) Any city of the third classification with more than thirteen thousand but fewer than  
5 fifteen thousand inhabitants and located in any county of the third classification without a township  
6 form of government and with more than thirty-three thousand but fewer than thirty-seven thousand  
7 inhabitants;

8 (j) Any city of the fourth classification with more than three thousand but fewer than three  
9 thousand three hundred inhabitants and located in any county of the third classification without a  
10 township form of government and with more than eighteen thousand but fewer than twenty thousand  
11 inhabitants and that is not the county seat of such county;

12 (k) Any city with more than ten thousand but fewer than eleven thousand inhabitants and  
13 partially located in a county with more than two hundred thirty thousand but fewer than two hundred  
14 sixty thousand inhabitants;

15 (l) Any city with more than four thousand nine hundred but fewer than five thousand six  
16 hundred inhabitants and located in a county with more than thirty thousand but fewer than thirty-  
17 five thousand inhabitants; [Ø¶]

18 (m) Any city with more than twelve thousand five hundred but fewer than fourteen thousand  
19 inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer  
20 than twenty-five thousand inhabitants;

21 (n) Any village with more than four hundred thirty but fewer than four hundred eighty  
22 inhabitants and partially located in a county with more than forty thousand but fewer than fifty  
23 thousand inhabitants and with a county seat with more than two thousand but fewer than six  
24 thousand inhabitants;

25 (o) Any city with more than sixteen thousand but fewer than eighteen thousand inhabitants  
26 and located in more than one county;

27 (p) Any city with more than twelve thousand five hundred but fewer than fourteen thousand  
28 inhabitants and located in a county with more than twenty-two thousand but fewer than twenty-five  
29 thousand inhabitants and with a county seat with more than nine hundred but fewer than one  
30 thousand four hundred inhabitants;

31 (q) Any city with more than fifty-one thousand but fewer than fifty-eight thousand  
32 inhabitants and located in more than one county; or

33 (r) Any city with more than eight thousand but fewer than nine thousand inhabitants and that  
34 is the county seat of a county with more than nineteen thousand but fewer than twenty-two thousand  
35 inhabitants.

36 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby  
37 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one  
38 percent on all retail sales made in such city which are subject to taxation under the provisions of  
39 sections 144.010 to 144.525 for the purpose of improving the public safety for such city, which shall

1 be limited to expenditures on equipment, salaries and benefits, and facilities for police, fire and  
 2 emergency medical providers. The tax authorized by this section shall be in addition to any and all  
 3 other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to  
 4 the provisions of this section shall be effective unless the governing body of the city submits to the  
 5 voters of the city, at a county or state general, primary or special election, a proposal to authorize the  
 6 governing body of the city to impose a tax.

7 2. If the proposal submitted involves only authorization to impose the tax authorized by this  
 8 section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of  
 \_\_\_\_\_ (insert amount) for the purpose of improving the public safety  
 of the city?

☐ YES

☐ NO

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

9  
 10 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
 11 the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments  
 12 thereto shall be in effect on the first day of the second calendar quarter after the director of revenue  
 13 receives notification of adoption of the local sales tax. If a proposal receives less than the required  
 14 majority, then the governing body of the city shall have no power to impose the sales tax herein  
 15 authorized unless and until the governing body of the city shall again have submitted another  
 16 proposal to authorize the governing body of the city to impose the sales tax authorized by this  
 17 section and such proposal is approved by the required majority of the qualified voters voting  
 18 thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters  
 19 sooner than twelve months from the date of the last proposal pursuant to this section.

20 3. All revenue received by a city from the tax authorized under the provisions of this section  
 21 shall be deposited in a special trust fund and shall be used solely for improving the public safety for  
 22 such city for so long as the tax shall remain in effect.

23 4. Once the tax authorized by this section is abolished or is terminated by any means, all  
 24 funds remaining in the special trust fund shall be used solely for improving the public safety for the  
 25 city. Any funds in such special trust fund which are not needed for current expenditures may be  
 26 invested by the governing body in accordance with applicable laws relating to the investment of  
 27 other city funds.

28 5. All sales taxes collected by the director of the department of revenue under this section  
 29 on behalf of any city, less one percent for cost of collection which shall be deposited in the state's  
 30 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,  
 31 shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public

1 Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds  
2 and shall not be commingled with any funds of the state. The provisions of section 33.080 to the  
3 contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the  
4 general revenue fund. The director of the department of revenue shall keep accurate records of the  
5 amount of money in the trust and which was collected in each city imposing a sales tax pursuant to  
6 this section, and the records shall be open to the inspection of officers of the city and the public.  
7 Not later than the tenth day of each month the director of the department of revenue shall distribute  
8 all moneys deposited in the trust fund during the preceding month to the city which levied the tax;  
9 such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds  
10 arising from the trust fund shall be by an appropriation act to be enacted by the governing body of  
11 each such city. Expenditures may be made from the fund for any functions authorized in the  
12 ordinance or order adopted by the governing body submitting the tax to the voters.

13 6. The director of the department of revenue may make refunds from the amounts in the  
14 trust fund and credited to any city for erroneous payments and overpayments made, and may redeem  
15 dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the  
16 city shall notify the director of the department of revenue of the action at least ninety days prior to  
17 the effective date of the repeal and the director of the department of revenue may order retention in  
18 the trust fund, for a period of one year, of two percent of the amount collected after receipt of such  
19 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and  
20 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of  
21 abolition of the tax in such city, the director of the department of revenue shall remit the balance in  
22 the account to the city and close the account of that city. The director of the department of revenue  
23 shall notify each city of each instance of any amount refunded or any check redeemed from receipts  
24 due the city.

25 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
26 apply to the tax imposed pursuant to this section.

27 8. If any city in subsection 1 of this section enacts the tax authorized in this section, the city  
28 shall budget an amount to public safety that is no less than the amount budgeted in the year  
29 immediately preceding the enactment of the tax. The revenue from the tax shall supplement and not  
30 replace amounts budgeted by the city."; and

31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.  
33