

SECOND REGULAR SESSION

HOUSE BILL NO. 2938

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

4252H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 620.450, 620.455, 620.460, 620.465, 620.466, and 620.467, RSMo, and to enact in lieu thereof eight new sections relating to the office of the lieutenant governor.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 620.450, 620.455, 620.460, 620.465, 620.466, and 620.467, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 26.700, 26.705, 26.710, 26.715, 26.720, 26.725, 186.045, and 620.445, to read as follows:

26.700. The powers, duties, and functions of the division of tourism are hereby transferred by type I transfer to the office of the lieutenant governor.

~~[620.450.]~~ **26.705.** The executive department shall have the duty of promoting tourism in the state of Missouri in accordance with sections ~~[620.450 to 620.465]~~ **26.700 to 26.725** and shall, through the commission established herein, exercise the powers set forth in sections ~~[620.450 to 620.465]~~ **26.700 to 26.725.**

~~[620.455.]~~ **26.710.** There is created in the executive department a "Tourism Commission" composed of ten members, including the lieutenant governor, two members of the senate of different political parties appointed by the president pro tem of the senate, two members of the house of representatives of different political parties appointed by the speaker of the house, and five other persons appointed by the governor. The members appointed by the governor may include, but are not limited to, persons engaged in the tourism industry and no more than three shall be of the same political party. The members, at the time of their appointment, shall be residents of the state of Missouri. On or after January 15, 1989, the governor, with the advice and consent of the senate, shall appoint one member of the

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.

10 commission for a term of one year, two members for two years, one member for three years
11 and one member for four years. Their successors shall serve a term of four years. The terms
12 of commissioners holding gubernatorial appointment on September 28, 1987, shall continue
13 until January 15, 1989, and until their respective successors are appointed and duly qualified.
14 Members who move from the state during their term on the commission shall be deemed to
15 have vacated their position on the commission. Vacancies in the membership of the
16 commission shall be filled in the same manner as the original appointments. The commission
17 shall elect a member of its own group as chairman at the first meeting, which shall be called
18 by the governor. The commission shall meet at least four times in a calendar year at the call
19 of the chairman. The commission shall determine all matters relating to policy and the
20 administration of tourism promotion. The commission shall report to each regular session of
21 the general assembly its recommendations for legislation in the field of the promotion of
22 tourism and related subjects in Missouri. Members of the commission shall serve without
23 compensation but shall be reimbursed for necessary expenses incurred in the performance of
24 their duties.

~~[620.460.]~~ **26.715.** 1. The commission shall employ a staff headed by a director of
2 tourism who shall be qualified by education and experience in public administration with a
3 background in the use of the various news media as to the dissemination of public information
4 to promote tourism. The director shall serve at the pleasure of the commission, and the
5 commission shall fix his compensation within the appropriation made for the purpose.

6 2. The director of tourism shall by and with the consent of the commission employ a
7 staff composed of such professional, technical and clerical personnel as necessary to carry out
8 the purposes of sections ~~[620.450 to 620.465]~~ **26.700 to 26.725** and set their compensation
9 within the appropriation made for that purpose.

10 3. All members of the staff except the director shall be employed under the provisions
11 of the state merit system law.

~~[620.465.]~~ **26.720.** The division of tourism shall have the following powers:

2 (1) To formulate a program for the promotion of tourism in Missouri, including the
3 promotion of our state parks, fishing and hunting areas, historical shrines, vacation regions
4 and areas of historic or scenic interest;

5 (2) To cooperate with civic groups and local, state and federal departments and
6 agencies, and agencies and departments of other states in encouraging educational tourism
7 and developing programs therefor;

8 (3) To publish tourist promotional material such as brochures and booklets;

9 (4) To promote tourism in Missouri by articles and advertisements in magazines,
10 newspapers, radio, television and travel publications and by establishing promotional
11 exhibitions at travel shows and similar exhibitions;

- 12 (5) To establish and maintain travel offices at major points of entry to the state;
13 (6) To accept any grant of funds made to it for the promotion of tourism in Missouri;
14 (7) To do such other acts as shall, in the judgment of the division, be necessary and
15 proper in carrying out the purposes of sections ~~[620.450 to 620.465]~~ **26.700 to 26.725.**

~~[620.466.]~~ **26.725.** 1. As used in this section, the following terms mean:

- 2 (1) "Director", the director of the division of tourism;
3 (2) "Fund", the tourism marketing fund created by this section;
4 (3) "Marketing", the sale, gift, or other transfer of special items or other items, all of
5 which shall be made in the United States of America, in accordance with the provisions of
6 this section;
7 (4) "Person", any individual, corporation, partnership, firm, association, public or
8 private agency, or other organization;
9 (5) "Promotion", the planning and conducting of information and advertising
10 campaigns;
11 (6) "Special item", an item or work containing a logo, design, trademark, patentable
12 material, or copyrightable material owned by the state of Missouri or any agency
13 instrumentality, or public officer thereof, and which item or work relates in any way to
14 any of the powers, duties, or functions of the director of the division of tourism;
15 (7) "Trademark", any trademark granted by either the United States or any state
16 thereof.

17 2. There is hereby established a special trust fund to be known as the "Tourism
18 Marketing Fund". The provisions of section 33.080 requiring the transfer of unexpended
19 balances to the general revenue fund at the end of each biennium shall not apply to the
20 moneys in the tourism marketing fund; except that, if at the end of any biennium the fund
21 balance exceeds one and one-half times the amount expended pursuant to appropriations from
22 the fund in the previous fiscal year, the amount of such excess shall be transferred to the
23 general revenue fund. The director shall have administrative control of the tourism marketing
24 fund, and all moneys in the fund shall be used exclusively for the purposes of sections
25 ~~[620.450 to 620.465]~~ **26.700 to 26.725.** The state treasurer shall invest moneys of the tourism
26 marketing fund which are not needed to meet current obligations in the same manner as other
27 state funds may be invested by him. All yield, interest, income, increment, and gain received
28 from the investment of moneys of the tourism marketing fund shall be credited to the tourism
29 marketing fund. If the tourism marketing fund is ever abolished, all moneys in the fund on
30 the effective date of its abolition shall by appropriation be transferred to the general revenue
31 fund of the state.

32 3. The tourism commission or the tourism commissions' designee may:

33 (1) Market special items in any manner consistent with the goal of the promotion of
34 tourism, with the receipts to be deposited in the fund;

35 (2) Receive and accept, to be deposited in the fund, grants, gifts, and contributions
36 from any and all public and private sources whatsoever, in addition to money received from
37 the marketing of special items or other items in accordance with this section;

38 (3) Subject to approval by the commission and through the normal appropriation
39 process, employ personnel as necessary for the marketing of special items and other items, as
40 well as for the efficient administration of this section;

41 (4) Grant exclusive or nonexclusive licenses to any person with respect to the
42 performance of any marketing duties or powers under this section;

43 (5) Make and execute contracts and all other instruments necessary or convenient for
44 the performance of his duties and the exercise of his powers and functions under this section.
45 In addition, appropriate contracts shall be executed that will allow computerization of
46 attractions and tourism related activities in state information centers;

47 (6) Use the money in the fund for marketing special items or other items in
48 accordance with this section for the promotion and development of tourism in the state and
49 for the administration of sections ~~[620.450 to 620.465]~~ **26.700 to 26.725**;

50 (7) Begin marketing special items together with other items on or within land or
51 facilities owned or leased by the state, with the cooperation of the state agency, board, or
52 commission in control of the land or facilities.

53 4. No person may market special items without the written consent of the director,
54 and the director may require royalty payments from such a person prior to giving his consent.
55 Money from all royalty payments shall be deposited in the fund.

56 5. The director and every agency, board, and commission of the state are exempt from
57 all taxes imposed by the state, arising out of the marketing of special items and other items in
58 accordance with this section. However, this section does not exempt any other person from
59 any applicable tax on his income or business insofar as that person is involved in the
60 marketing of special items or other items in accordance with this section.

**186.045. The powers, duties, and functions of the humanities council are hereby
2 transferred by type II transfer to the office of the lieutenant governor.**

**620.445. The powers, duties, and functions of the division of tourism are hereby
2 transferred by type I transfer to the office of the lieutenant governor.**

~~[620.467. 1. The state treasurer shall annually deposit an amount
2 prescribed in this section out of the general revenue fund pursuant to section
3 144.700, in a fund hereby created in the state treasury, to be known as the
4 "Division of Tourism Supplemental Revenue Fund". The state treasurer shall
5 administer the fund, and the moneys in such fund, except the appropriate
6 percentage of any refund made of taxes collected under the provisions of~~

7 chapter 144, shall be used solely by the division of tourism of the department
8 of economic development to carry out the duties and functions of the division
9 as prescribed by law. Moneys deposited in the division of tourism
10 supplemental revenue fund shall be in addition to a budget base in each
11 fiscal year. For fiscal year 1994, such budget base shall be six million two
12 hundred thousand dollars, and in each succeeding fiscal year the budget base
13 shall be the prior fiscal year's general revenue base plus any additional
14 appropriations made to the division of tourism, including one hundred percent
15 of the prior fiscal year's deposits made to the division of tourism supplemental
16 revenue fund pursuant to this section. The general revenue base shall decrease
17 by ten percent in each fiscal year following fiscal year 1994. Notwithstanding
18 the provisions of section 33.080 to the contrary, moneys in the division of
19 tourism supplemental revenue fund at the end of any biennium shall not be
20 deposited to the credit of the general revenue fund.

21 2. In fiscal years 1995 to 2020, a portion of general revenue
22 determined pursuant to this subsection shall be deposited to the credit of the
23 division of tourism supplemental revenue fund pursuant to subsection 1 of this
24 section. The director of revenue shall determine the amount deposited to the
25 credit of the division of tourism supplemental revenue fund in each fiscal year
26 by computing the previous year's total appropriation into the division of
27 tourism supplemental revenue fund and adding to such appropriation amount
28 the total amount derived from the retail sale of tourist-oriented goods and
29 services collected pursuant to the following sales taxes: state sales taxes; sales
30 taxes collected pursuant to sections 144.010 to 144.430 that are designated as
31 local tax revenue to be deposited in the school district trust fund pursuant to
32 section 144.701; sales taxes collected pursuant to Section 43(a) of Article IV of
33 the Missouri Constitution; and sales taxes collected pursuant to Section 47(a)
34 of Article IV of the Missouri Constitution. If the increase in such sales taxes
35 derived from the retail sale of tourist-oriented goods and services in the fiscal
36 year three years prior to the fiscal year in which each deposit shall be made is
37 at least three percent over such sales taxes derived from the retail sale of
38 tourist-oriented goods and services generated in the fiscal year four years prior
39 to the fiscal year in which each deposit shall be made, an amount equal to one-
40 half of such sales taxes generated above a three percent increase shall be
41 calculated by the director of revenue and the amount calculated shall be
42 deposited by the state treasurer to the credit of the division of tourism
43 supplemental revenue fund.

44 3. Total deposits in the supplemental revenue fund in any fiscal year
45 pursuant to subsections 1 and 2 of this section shall not exceed the amount
46 deposited into the division of tourism supplemental revenue fund in the fiscal
47 year immediately preceding the current fiscal year by more than three million
48 dollars.

49 4. As used in this section, "sales of tourism-oriented goods and
50 services" are those sales by businesses registered with the department of
51 revenue under the following SIC Codes:

- 52 (1) SIC Code 5811;
- 53 (2) SIC Code 5812;
- 54 (3) SIC Code 5813;

- 55 ~~(4) SIC Code 7010;~~
- 56 ~~(5) SIC Code 7020;~~
- 57 ~~(6) SIC Code 7030;~~
- 58 ~~(7) SIC Code 7033;~~
- 59 ~~(8) SIC Code 7041;~~
- 60 ~~(9) SIC Code 7920;~~
- 61 ~~(10) SIC Code 7940;~~
- 62 ~~(11) SIC Code 7990;~~
- 63 ~~(12) SIC Code 7991;~~
- 64 ~~(13) SIC Code 7992;~~
- 65 ~~(14) SIC Code 7996;~~
- 66 ~~(15) SIC Code 7998;~~
- 67 ~~(16) SIC Code 7999; and~~
- 68 ~~(17) SIC Code 8420.~~

69 ~~5. Prior to each appropriation from the division of tourism~~
 70 ~~supplemental revenue fund, the division of tourism shall present to the~~
 71 ~~committee on tourism, recreational and cultural affairs of the house of~~
 72 ~~representatives and to the transportation and tourism committee of the senate,~~
 73 ~~or their successors, a promotional marketing strategy including, but not limited~~
 74 ~~to, targeted markets, duration of market plans, ensuing market strategies, and~~
 75 ~~the actual and estimated investment return, if any, resulting therefrom.~~

76 ~~6. This section shall become effective July 1, 1994. This section shall~~
 77 ~~expire June 30, 2020.]~~

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