

SECOND REGULAR SESSION

# HOUSE BILL NO. 3277

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FOUNTAIN HENDERSON.

7156H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to cities authorized to impose a certain sales tax.

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

Section A. Section 94.900, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 94.900, to read as follows:

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

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

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

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

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

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

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

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.

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

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

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

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

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

33 (l) **Any city with more than three thousand four hundred but fewer than three**  
34 **thousand eight hundred inhabitants and located in a county with more than one million**  
35 **inhabitants;**

36 (m) Any city with more than four thousand nine hundred but fewer than five thousand  
37 six hundred inhabitants and located in a county with more than thirty thousand but fewer than  
38 thirty-five thousand inhabitants;

39 ~~(n)~~ (n) Any city with more than twelve thousand five hundred but fewer than  
40 fourteen thousand inhabitants and that is the county seat of a county with more than twenty-  
41 two thousand but fewer than twenty-five thousand inhabitants;

42 ~~(o)~~ (o) Any village with more than four hundred thirty but fewer than four hundred  
43 eighty inhabitants and partially located in a county with more than forty thousand but fewer  
44 than fifty thousand inhabitants and with a county seat with more than two thousand but fewer  
45 than six thousand inhabitants;

46 ~~(p)~~ (p) Any city with more than sixteen thousand but fewer than eighteen thousand  
47 inhabitants and located in more than one county;

48 ~~(q)~~ (q) Any city with more than twelve thousand five hundred but fewer than  
49 fourteen thousand inhabitants and located in a county with more than twenty-two thousand  
50 but fewer than twenty-five thousand inhabitants and with a county seat with more than nine  
51 hundred but fewer than one thousand four hundred inhabitants;

52 ~~(r)~~ (r) Any city with more than fifty-one thousand but fewer than fifty-eight  
53 thousand inhabitants and located in more than one county;

54           ~~[(s)]~~ (s) Any city with more than eight thousand but fewer than nine thousand  
55 inhabitants and that is the county seat of a county with more than nineteen thousand but fewer  
56 than twenty-two thousand inhabitants; or

57           ~~[(s)]~~ (t) Any city with more than one hundred sixty-five but fewer than one hundred  
58 eighty-five inhabitants and located in a county with more than eleven thousand but fewer than  
59 twelve thousand five hundred inhabitants and with a county seat with more than four  
60 thousand but fewer than five thousand inhabitants; or

61           ~~[(t)]~~ (u) Any city with more than two thousand one hundred fifty but fewer than two  
62 thousand four hundred inhabitants and located in a county with more than seven hundred  
63 thousand but fewer than eight hundred thousand inhabitants.

64           (2) The governing body of any city listed in subdivision (1) of this subsection is  
65 hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half  
66 of one percent on all retail sales made in such city which are subject to taxation under the  
67 provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for  
68 such city, which shall be limited to expenditures on equipment, salaries and benefits, and  
69 facilities for police, fire and emergency medical providers. The tax authorized by this section  
70 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or  
71 order imposing a sales tax pursuant to the provisions of this section shall be effective unless  
72 the governing body of the city submits to the voters of the city, at a county or state general,  
73 primary or special election, a proposal to authorize the governing body of the city to impose a  
74 tax.

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

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

81                                        YES                                        NO

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

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86 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in  
87 favor of the proposal submitted pursuant to this subsection, then the ordinance or order and  
88 any amendments thereto shall be in effect on the first day of the second calendar quarter after  
89 the director of revenue receives notification of adoption of the local sales tax. If a proposal  
90 receives less than the required majority, then the governing body of the city shall have no

91 power to impose the sales tax herein authorized unless and until the governing body of the  
92 city shall again have submitted another proposal to authorize the governing body of the city to  
93 impose the sales tax authorized by this section and such proposal is approved by the required  
94 majority of the qualified voters voting thereon. However, in no event shall a proposal  
95 pursuant to this section be submitted to the voters sooner than twelve months from the date of  
96 the last proposal pursuant to this section.

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

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

105         5. All sales taxes collected by the director of the department of revenue under this  
106 section on behalf of any city, less one percent for cost of collection which shall be deposited  
107 in the state's general revenue fund after payment of premiums for surety bonds as provided in  
108 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be  
109 known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall  
110 not be deemed to be state funds and shall not be commingled with any funds of the state. The  
111 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be  
112 transferred and placed to the credit of the general revenue fund. The director of the  
113 department of revenue shall keep accurate records of the amount of money in the trust and  
114 which was collected in each city imposing a sales tax pursuant to this section, and the records  
115 shall be open to the inspection of officers of the city and the public. Not later than the tenth  
116 day of each month the director of the department of revenue shall distribute all moneys  
117 deposited in the trust fund during the preceding month to the city which levied the tax; such  
118 funds shall be deposited with the city treasurer of each such city, and all expenditures of funds  
119 arising from the trust fund shall be by an appropriation act to be enacted by the governing  
120 body of each such city. Expenditures may be made from the fund for any functions  
121 authorized in the ordinance or order adopted by the governing body submitting the tax to the  
122 voters.

123         6. The director of the department of revenue may make refunds from the amounts in  
124 the trust fund and credited to any city for erroneous payments and overpayments made, and  
125 may redeem dishonored checks and drafts deposited to the credit of such cities. If any city  
126 abolishes the tax, the city shall notify the director of the department of revenue of the action at  
127 least ninety days prior to the effective date of the repeal and the director of the department of

128 revenue may order retention in the trust fund, for a period of one year, of two percent of the  
129 amount collected after receipt of such notice to cover possible refunds or overpayment of the  
130 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.  
131 After one year has elapsed after the effective date of abolition of the tax in such city, the  
132 director of the department of revenue shall remit the balance in the account to the city and  
133 close the account of that city. The director of the department of revenue shall notify each city  
134 of each instance of any amount refunded or any check redeemed from receipts due the city.

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

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

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