

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 365, Page 2, Section 92.117, Line 21, by inserting after all of said section and line the following:

"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;

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

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

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

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

(k) Any city of the fourth classification with more than one thousand three hundred fifty but fewer than one thousand five hundred inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; or

(l) Any city of the fourth classification with more than eight thousand but fewer than nine

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thousand inhabitants and located partially in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants and partially in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat.

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this 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".

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

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

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

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the

1 amount of money in the trust and which was collected in each city imposing a sales tax pursuant to
 2 this section, and the records shall be open to the inspection of officers of the city and the public.
 3 Not later than the tenth day of each month the director of the department of revenue shall distribute
 4 all moneys deposited in the trust fund during the preceding month to the city which levied the tax;
 5 such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds
 6 arising from the trust fund shall be by an appropriation act to be enacted by the governing body of
 7 each such city. Expenditures may be made from the fund for any functions authorized in the
 8 ordinance or order adopted by the governing body submitting the tax to the voters.

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

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

23 94.902. 1. The governing bodies of the following cities may impose a tax as provided in
 24 this section:

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

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

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

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

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

36 (6) Any city of the fourth classification with more than nine thousand five hundred but
 37 fewer than ten thousand eight hundred inhabitants;

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

40 (8) Any city of the fourth classification with more than two thousand seven hundred but
 41 fewer than three thousand inhabitants and located in any county of the first classification with more
 42 than eighty-three thousand but fewer than ninety-two thousand inhabitants; ~~or~~

43 (9) Any city of the fourth classification with more than two thousand four hundred but fewer
 44 than two thousand seven hundred inhabitants and located in any county of the third classification
 45 without a township form of government and with more than ten thousand but fewer than twelve
 46 thousand inhabitants;

47 (10) Any city of the third classification with more than nine thousand but fewer than ten
 48 thousand inhabitants and located in any county of the third classification with a township form of
 49 government and with more than twenty thousand but fewer than twenty-three thousand inhabitants;

(11) Any city of the third classification with more than seventeen thousand but fewer than nineteen thousand inhabitants and that is the county seat of any county of the fourth classification with more than forty-eight thousand but fewer than sixty thousand inhabitants;

(12) Any city of the fourth classification with more than one thousand fifty but fewer than one thousand two hundred inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than two thousand one hundred but fewer than two thousand four hundred inhabitants as the county seat; or

(13) Any city of the fourth classification with more than four hundred fifty but fewer than five hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat.

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

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

Shall the city of _____ [(city's name)] impose a citywide sales tax at a rate of _____ [(insert rate of percent)] percent 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".

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

4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the

state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

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 the city of _____ [~~(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.

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

6 9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
7 apply to the tax imposed under this section."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.