

SECOND REGULAR SESSION

HOUSE BILL NO. 2610

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASHINGTON.

5548H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 92.325 and 92.336, RSMo, and to enact in lieu thereof three new sections relating to the neighborhood tourist development fund.

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

Section A. Sections 92.325 and 92.336, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 92.325, 92.336, and 92.337, to read as follows:

92.325. As used in sections 92.325 to 92.340, the following terms mean:

(1) "City", a constitutional charter city located in four or more counties;

(2) **"Committee", the neighborhood tourist development fund committee established pursuant to section 92.337;**

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

~~(3)~~ (4) "Food establishment", any café, cafeteria, lunchroom or restaurant which sells food at retail;

~~(4)~~ (5) **"Fund", the neighborhood tourist development fund established pursuant to section 92.336;**

(6) "Governing body", the city council charged with governing the city;

~~(5)~~ (7) "Gross receipts", the gross receipts from retail sales of food prepared on the premises and delivered to the purchaser (excluding sales tax);

~~(6)~~ (8) "Hotel, motel or tourist court", any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient

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.

18 guests or permanent guests and having more than eight bedrooms furnished for the
19 accommodations of such guests. Sleeping accommodations consisting of one bedroom or more,
20 that rent for less than twenty dollars per day or less than eighty-five dollars per week and shelters
21 for the homeless operated by not-for-profit organizations are not a "hotel, motel or tourist court"
22 for the purposes of this act;

23 ~~[(7)]~~ **(9) "Neighborhood organization", a homeowners' association or a**
24 **not-for-profit organization incorporated in the state:**

25 **(a) That is located within the city;**

26 **(b) Whose members live or work within identified geographic boundaries in the**
27 **city; and**

28 **(c) Whose purpose includes the promotion of a specific neighborhood within the**
29 **city through cultural, social, ethnic, historic, educational, and recreational activities and**
30 **contributes to the overall health and welfare of the neighborhood;**

31 **(10) "Person", any individual, corporation, partnership or other entity;**

32 ~~[(8)]~~ **(11) "Transient guest", a person who occupies a room or rooms in a hotel, motel**
33 **or tourist court for thirty-one days or less during any calendar quarter.**

92.336. The revenues received from the tax authorized under sections 92.325 to 92.340
2 shall be used exclusively for the advertising and promotion of convention and tourism business
3 and international trade for the city from which it is collected, subject to the following
4 requirements:

5 (1) Not less than forty percent of the proceeds of any tax imposed pursuant to
6 subdivision (1) of section 92.327 shall be appropriated and paid to a general not-for-profit
7 organization, with whom the city has contracted, and which is incorporated in the state of
8 Missouri and located within the city limits of such city, established for the purpose of promoting
9 such city as a convention, visitors and tourist center with the balance to be used for operating
10 expenses and capital expenditures, including debt service, for sports, convention, exhibition,
11 trade and tourism facilities located within the city limits of the city;

12 (2) Not less than ten percent of the proceeds of any tax imposed pursuant to subdivision
13 (1) of section 92.327 shall be appropriated to a fund that hereby shall be established and called
14 the "Neighborhood Tourist Development Fund"~~].—Such moneys from said funds shall be paid~~
15 ~~to not-for-profit neighborhood organizations with whom the city has contracted, and which are~~
16 ~~incorporated in the state of Missouri and located within the city limits of such city established~~
17 ~~for the purpose of promoting such neighborhood through cultural, social, ethnic, historic,~~
18 ~~educational, and recreational activities in conjunction with promoting such city as an~~
19 ~~international trade, convention, visitors and tourist center] , **which shall be administered as**~~
20 **provided pursuant to section 92.337;**

21 (3) The proceeds of any tax imposed pursuant to subdivision (2) of section 92.327 shall
22 be used by the city only for capital expenditures, including debt service, for sports, convention,
23 exhibition, trade and tourism facilities located within the city limits of the city.

**92.337. 1. The governing body shall establish a committee to administer the fund.
2 The committee shall consist of fifteen members who shall be residents of the city appointed
3 as follows:**

4 (1) Two persons from each council district, each to be appointed by his or her
5 respective council representative; and

6 (2) Three representatives from the city at-large, to be appointed by the mayor of
7 such city.

8 2. The purpose of the committee shall be to review project proposals for the receipt
9 of moneys from the fund and to make recommendations to the governing body on the
10 disbursement of the funds on a citywide basis to neighborhood organizations. The
11 committee shall meet as often as necessary to review proposals for funding. No proposal
12 shall be considered by the governing body for approval, modification, or disapproval
13 without first being reviewed and reported to the governing body by the committee.

14 3. In accordance with the general purpose of the fund to promote specific
15 neighborhoods through cultural, social, ethnic, historic, educational, and recreational
16 activities, projects approved by the committee and the governing body shall, in addition
17 to any other criteria to be considered by the committee:

18 (1) Take place within the city and shall have appeal to local residents, as well as to
19 tourists;

20 (2) Be open to the general public and attract persons who would not otherwise plan
21 to be present in the city, as well as interest those who are visiting for other purposes;

22 (3) Not reflect or enhance political parties, candidates, or political office holders;

23 (4) Not be normal ongoing activities of individual block clubs or homeowners'
24 associations;

25 (5) In the case of capital projects, obtain funding for the planning, maintenance,
26 and staffing of such capital projects from sources other than the fund;

27 (6) Not include hiring staff, securing consulting or planning services, or market
28 studies; and

29 (7) Not request funds to supplant operating costs that are currently publicly
30 funded.

31 4. To receive moneys from the fund, neighborhood organizations shall submit an
32 application to the committee. Such application shall include, but not be limited to:

33 **(1) A clear geographical definition of the neighborhood that is the sponsor of the**
34 **project;**

35 **(2) A clear geographical definition of the neighborhood that is the beneficiary of**
36 **the project;**

37 **(3) A clear description of the way in which the project will promote the benefitting**
38 **neighborhood;**

39 **(4) A clear description of the way in which the project will benefit the**
40 **neighborhood in the short term and in the long term;**

41 **(5) Estimates of the costs of the project;**

42 **(6) Written documentation demonstrating that timely advance communication**
43 **about the project to surrounding registered neighborhood groups is given and that such**
44 **groups have the opportunity to participate in the planning and, if possible, the execution**
45 **of the project; and**

46 **(7) A resolution from the board of directors of the neighborhood organization**
47 **stating that the project meets the requirements of this section.**

48 **5. (1) At least eighty percent of the moneys in the fund shall be awarded to projects**
49 **that promote one or more specific neighborhoods within the city rather than the promotion**
50 **of the city as a whole.**

51 **(2) No moneys in the fund shall be used for salaries or compensation for any**
52 **member of the committee or for any other employee of the city.**

53 **6. The governing body shall submit all documentation necessary for the state**
54 **auditor to conduct an annual audit of the fund to ensure compliance with the provisions**
55 **of this section. Such audit shall be performed on a fiscal year basis, and the cost of such**
56 **audit shall be paid by the governing body. The governing body shall ensure copies of each**
57 **audit shall be made available to the public within thirty days of the completion of the audit.**
58 **If the governing body uses moneys from the fund for purposes other than for the purposes**
59 **designated in this section, the governing body shall repay such moneys to the fund.**

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