

FIRST REGULAR SESSION

HOUSE BILL NO. 69

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOKSON.

0679H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 321.242 and 321.246, RSMo, and to enact in lieu thereof two new sections relating to sales taxes for fire protection districts.

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

Section A. Sections 321.242 and 321.246, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 321.242 and 321.246, to read as follows:

321.242. 1. The governing body of any fire protection district which operates within and
2 has boundaries identical to a city with a population of at least thirty thousand but not more than
3 thirty-five thousand inhabitants which is located in a county of the first classification, excluding
4 a county of the first classification having a population in excess of nine hundred thousand, or the
5 governing body of any municipality having a municipal fire department may impose a sales tax
6 in an amount of up to one-fourth of one percent on all retail sales made in such fire protection
7 district or municipality which are subject to taxation pursuant to the provisions of sections
8 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other
9 sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this
10 section shall be effective unless the governing body of the fire protection district or municipality
11 submits to the voters of such fire protection district or municipality, at a county or state general,
12 primary or special election, a proposal to authorize the governing body of the fire protection
13 district or municipality to impose a tax.

14 2. The ballot of submission shall contain, but need not be limited to, the following
15 language:

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.

16 Shall (insert name of district or municipality) impose a sales tax of
17 (insert rate of tax) for the purpose of providing revenues for the operation of the (insert
18 fire protection district or municipal fire department)?

19 ☐ YES ☐ NO

20

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of
23 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body
24 of the fire protection district or municipality shall not impose the sales tax authorized in this
25 section unless and until the governing body of such fire protection district or municipality
26 resubmits a proposal to authorize the governing body of the fire protection district or
27 municipality to impose the sales tax authorized by this section and such proposal is approved by
28 a majority of the qualified voters voting thereon.

29 3. All revenue received by a fire protection district or municipality from the tax
30 authorized pursuant to the provisions of this section shall be deposited in a special trust fund and
31 shall be used solely for the operation of the fire protection district or the municipal fire
32 department.

33 4. All sales taxes collected by the director of revenue pursuant to this section **or section**
34 **321.246** on behalf of any fire protection district or municipality, less one percent for cost of
35 collection which shall be deposited in the state's general revenue fund after payment of premiums
36 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
37 is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in
38 the fire protection district sales tax trust fund created prior to August 28, 1999, shall be
39 transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax
40 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
41 the state. The director of revenue shall keep accurate records of the amount of money in the trust
42 fund and of the amounts which were collected in each fire protection district or municipality
43 imposing a sales tax pursuant to this section, and the records shall be open to the inspection of
44 officers of the fire protection district or municipality and the public. Not later than the tenth day
45 of each month, the director of revenue shall distribute all moneys deposited in the trust fund
46 during the preceding month to the fire protection district or municipality which levied the tax.
47 Such funds shall be deposited with the treasurer of each such fire protection district or
48 municipality, and all expenditures of funds arising from the fire protection sales tax trust fund
49 shall be for the operation of the fire protection district or the municipal fire department and for
50 no other purpose.

51 5. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
52 amounts in the trust fund and credited to any fire protection district or municipality for erroneous
53 payments and overpayments made and may redeem dishonored checks and drafts deposited to
54 the credit of such fire protection districts or municipalities. If any fire protection district or
55 municipality abolishes the tax, the fire protection district or municipality shall notify the director
56 of revenue of the action at least ninety days prior to the effective date of the repeal and the
57 director of revenue may order retention in the trust fund, for a period of one year, of two percent
58 of the amount collected after receipt of such notice to cover possible refunds or overpayment of
59 the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
60 After one year has elapsed after the effective date of abolition of the tax in such fire protection
61 district or municipality, the director of revenue shall remit the balance in the account to the fire
62 protection district or municipality and close the account of that fire protection district or
63 municipality. The director of revenue shall notify each fire protection district or municipality
64 of each instance of any amount refunded or any check redeemed from receipts due the fire
65 protection district or municipality. In the event a tax within a fire protection district is approved
66 pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire
67 protection district are identical to that of the city, the tax shall continue and proceeds shall be
68 distributed to the governing body of the city formerly containing the fire protection district and
69 the proceeds of the tax shall be used for fire protection services within such city.

70 6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
71 apply to the tax imposed pursuant to this section.

321.246. 1. The governing body of any fire protection district which operates within
2 both a county of the first classification with a charter form of government and with a population
3 greater than six hundred thousand but less than nine hundred thousand and a county of the fourth
4 classification with a population greater than thirty thousand but less than thirty-five thousand and
5 that adjoins a county of the first classification with a charter form of government, ~~[or]~~ the
6 governing body of any fire protection district which contains a city of the fourth classification
7 having a population greater than two thousand four hundred when the city is located in a county
8 of the first classification without a charter form of government having a population greater than
9 one hundred fifty thousand and the county contains a portion of a city with a population greater
10 than three hundred fifty thousand, **or the governing body of any fire protection district which**
11 **operates in a county of the third classification with a population greater than fourteen**
12 **thousand but less than fourteen thousand two hundred** may impose a sales tax in an amount
13 of up to one-half of one percent on all retail sales made in such fire protection district which are
14 subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized
15 by this section shall be in addition to any and all other sales taxes allowed by law, except that no

16 sales tax imposed pursuant to the provisions of this section shall be effective unless the
17 governing body of the fire protection district submits to the voters of the fire protection district,
18 at a county or state general, primary or special election, a proposal to authorize the governing
19 body of the fire protection district to impose a tax.

20 2. The ballot of submission shall contain, but need not be limited to, the following
21 language:

22 Shall the fire protection district of (district's name) impose a district-wide
23 sales tax of for the purpose of providing revenues for the operation of the fire protection
24 district?

25 ☐ YES ☐ NO

26

27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
28 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of
29 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body
30 of the fire protection district shall not impose the sales tax authorized in this section unless and
31 until the governing body of the fire protection district resubmits a proposal to authorize the
32 governing body of the fire protection district to impose the sales tax authorized by this section
33 and such proposal is approved by a majority of the qualified voters voting thereon.

34 3. All revenue received by a fire protection district from the tax authorized pursuant to
35 the provisions of this section shall be deposited in a special trust fund and shall be used solely
36 for the operation of the fire protection district.

37 4. All sales taxes collected by the director of revenue pursuant to this section on behalf
38 of any fire protection district, less one percent for cost of collection which shall be deposited in
39 the state's general revenue fund after payment of premiums for surety bonds as provided in
40 section 32.087, shall be deposited in the fire protection district sales tax trust fund established
41 pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall
42 not be deemed to be state funds and shall not be commingled with any funds of the state. The
43 director of revenue shall keep accurate records of the amount of money in the trust and which
44 was collected in each fire protection district imposing a sales tax pursuant to this section, and the
45 records shall be open to the inspection of officers of the fire protection district and the public.
46 Not later than the tenth day of each month, the director of revenue shall distribute all moneys
47 deposited in the trust fund during the preceding month to the fire protection district which levied
48 the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and
49 all expenditures of funds arising from the fire protection district sales tax trust fund shall be for
50 the operation of the fire protection district and for no other purpose.

51 5. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
52 amounts in the trust fund and credited to any fire protection district for erroneous payments and
53 overpayments made and may redeem dishonored checks and drafts deposited to the credit of such
54 fire protection districts. If any fire protection district abolishes the tax, the fire protection district
55 shall notify the director of revenue of the action at least ninety days prior to the effective date of
56 the repeal and the director of revenue may order retention in the trust fund, for a period of one
57 year, of two percent of the amount collected after receipt of such notice to cover possible refunds
58 or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
59 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
60 fire protection district, the director of revenue shall remit the balance in the account to the fire
61 protection district and close the account of that fire protection district. The director of revenue
62 shall notify each fire protection district of each instance of any amount refunded or any check
63 redeemed from receipts due the fire protection district. In the event a tax within a fire protection
64 district is approved under this section, and such fire protection district is dissolved, the tax shall
65 lapse on the date that the fire protection district is dissolved and the proceeds from the last
66 collection of such tax shall be distributed to the governing bodies of the counties formerly
67 containing the fire protection district and the proceeds of the tax shall be used for fire protection
68 services within such counties.

69 6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
70 apply to the tax imposed pursuant to this section.

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